

ORIGINAL APPLICATION NO. 529 OF 2022
(Govind Babasaheb Babre Vs. State of Maha. & Ors.)
WITH
ORIGINAL APPLICATION NO. 530 OF 2022
(Sanjay Mahadev Pawar Vs. State of Maha. & Ors.)

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

DATE : 14.11.2022

COMMON ORAL ORDER :

Heard Shri O.D. Mane, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in both these OAs.

2. In view of the fact that issue involved in both these OAs are identical and identical prayers are made in both these OAs, I have heard both these OAs together and deem it appropriate to decide both these OAs by common order.

3. Aggrieved by the decision of the respondents for not repatriating the applicants to their original cadre of Police Naik, they have preferred the present O.As. Both the applicants were duly selected for their appointment on the post of Police Constable and were appointed vide order dated 05/07.01.2013 and 19.04.2012, respectively. After their appointment they were given training of driving and then were deputed to work on the post of Police Constable/Driver w.e.f. 15.07.2013. Since then, the applicants are working on the post of Police Constable Driver. On 02.02.2022 & 12.02.2022

//2// O.A. Nos. 529 & 530
both of 2022

respectively both the applicants presented application to respondent no.3, Superintendent of Police, Beed and prayed for their repatriation to the post of Police Constable on the ground that they now find it difficult to carry out the work of driver because of certain ailment more particularly back-pain. Along with their representations, the applicants had annexed medical certificates also. Prior to that also, the applicants had made such application and on several times made request to respondent no.3. The request of the applicants, however, has been rejected by S.P. Beed vide order dated 11.02.2022. Respondent no.3 has rejected the request of the applicants stating that there is no justifiable reason for considering the representations and as such the request will be considered at the time of annual transfer. Aggrieved by the said order, the applicants have approached this Tribunal.

4. Respondent No. 3 has opposed the contentions raised in the O.As. by filing his affidavit in reply. In the affidavit in reply, it is contended that there is acute shortage of the drivers in the Police Force and as such presently it is not possible to repatriate the applicants. Certain other grounds are also raised.

//3// O.A. Nos. 529 & 530
both of 2022

5. The applicants have filed their rejoinder to the affidavit in reply denying the contentions therein. Shri Mane, learned Counsel for the applicants submitted that before deputing the applicants to work as Police Constable Driver their consent was not obtained. Learned Counsel submitted that at the relevant time since applicants were new entrants they did not oppose for such deputation. Learned Counsel further submitted that time and again the applicants have been orally assured that they will be repatriated, however, the said assurance has not been fulfilled. Learned Counsel submitted that after the applicants felt it difficult to carry out the work of driver because of their ailments, they made written representations bringing out to the notice of the respondent No.3 the said fact and also annexed with the same their medical certificates. In spite of that their requests are not considered. Learned Counsel submitted that reason as has been assigned while rejecting the request of the applicants is not only incorrect but humiliating also. Learned Counsel submitted that in spite of the fact that the medical certificates are attached and inability has been expressed by the applicants to work on the post of constable driver, their request has not been considered. Learned Counsel pointed out that the applicants have not been paid any special allowance for the entire period

//4// O.A. Nos. 529 & 530
both of 2022

though they have discharged the duty of higher post. Learned Counsel in the circumstances, prayed for allowing the present O.As.

6. Learned P.O. in his arguments reiterated the contentions raised in the affidavit in reply on behalf of respondent no. 3. Learned P.O. submitted that there are around 41 posts vacant of the Police Constable/Driver and, as such, it is difficult to consider the request of the applicant. Learned P.O. submitted that the respondents have not rejected the request of the applicants but has informed them that the request will be considered at the time of annual transfers. Learned P.O. submitted that in view of the factual aspects and having regard to the constraint of respondent No. 3 it cannot be alleged that there is any malice in rejecting the request of the applicant. Learned P.O. in such circumstances prayed for rejecting the Original Application.

7. I have considered the submissions advanced on behalf of the applicants, as well as, respondents. I have also perused the documents filed on record. It is not in dispute that the applicants have been appointed on the post of Police Constable. It is further not in dispute that immediately after their appointment they were deputed

//5// O.A. Nos. 529 & 530
both of 2022

to work on the post of Police Constable Driver and are continuously working on the said post. It is the contention of the applicants that they are now finding it difficult to work on the post of Police Naik Driver. There seems no reason to disbelieve the said fact. Respondent No. 3 has also not denied or disputed the said fact. If the representations dated 2.2.2022 & 12.2.2022 preferred by both the applicants to respondent No. 3 are perused, it appears that both the applicants have sufficiently clarified the reason for seeking such repatriation. In the communication dated 11.2.2022 respondent No. 3 however, has rejected the request by stating that there is no justifiable ground. It appears to me that the reason as has been assigned is absolutely unsustainable. The repatriation cannot be said to have been asked by the applicants on unjust ground. It does not seem to be the case of the respondents also. If it would be the reason that there are more than 41 vacancies, it is not understood as to why the steps are not being taken for recruitment of the candidates on the said post. These numbers of vacancies does not seem to have occurred within preceding 2-3 years. It appears that since last many years the steps have not been taken for filling in the post of Police Naik Driver. For the inaction or omission on the part of the respondents the

//6// O.A. Nos. 529 & 530
both of 2022

genuine claim of the applicants cannot be defeated. It appears to me that the applicants have not made any haste to make representation. They have worked for about 8 to 9 years on the post of deputation. In the circumstances, the request made by the applicants appears to be quite justifiable.

8. For the aforesaid reasons I have no hesitation in holding that the request of the applicants for their repatriation has not been duly considered by the respondent no. 3. It is difficult to agree with the contention of respondent no.3 that applicants have not given any justifiable reason for their repatriation. Having regard to the fact that both the applicants have sought their repatriation on health ground that too after working on deputation for quite long period of around 8 years, I am of the opinion that the request of the applicants for their repatriation deserves to be considered positively. From the affidavit in reply filed on behalf of respondent no.3, it appears that there is a shortage of Police Naik drivers in the Police Force. As is revealing from the contents of the affidavit in reply, 41 posts of Police Naik Driver are vacant of which 25 posts are likely to be filled in within a short period. According to respondent no.3, if the applicants are repatriated, working of the Police Force is likely to suffer adversely.

//7// O.A. Nos. 529 & 530
both of 2022

9. The difficulty which has been put forth by the respondents can be taken care of by the respondents themselves. It is possible for the respondents to give the driving training to some of new entrants or persons, who are junior to the present applicants in service and such Police Constables can be deputed to work as Police Constable Drivers till the vacancies of Police Naik Drivers are filled in. The applicants were given the training of one month. According to the applicants one months' training is sufficient for acquiring the driving skill. Assuming that the period of one month may fall short 2 months period can be provided to the respondents for making alternate arrangements so that on expiry of the said period there may not be any difficulty for the respondents to repatriate the present applicants. If such arrangement is made it appears to me that, it would meet the ends of justice. Hence the following order.

ORDER

- (i) The respondent no. 3 is directed to repatriate the applicants on expiry of 2 months from the date of this order to their original post and give them suitable posting. In the meanwhile as suggested in the body of the judgment, the respondents shall get trained some of the new incumbents for driving the police vehicles.
- (ii) The present OAs stand disposed in above terms however, without any order as to costs.

VICE CHAIRMAN

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

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration the learned Presenting Officer has again sought time for filing the affidavit in reply on behalf of the respondents. The request so made is strongly opposed by the learned counsel for the applicant. It is pointed out that due opportunities are already availed by the respondents and in spite of that the reply has not been filed. Learned counsel pointed out that the order dated 11.10.2022, wherein this Court has directed the hearing of the present matter without affidavit in reply of the respondents. In the circumstances, I see no merit in the request made by the learned Presenting Officer for granting more time to file the affidavit in reply. I, therefore, called upon the learned counsel for the applicant and the learned Presenting Officer for the

respondents to make their submissions on merits. Accordingly, the arguments are heard.

3. It is the case of the applicant that though he was entitled for the encashment of the earned leave earned by him while working on *ad hoc* basis, the respondents have refused the said leave without any legal basis for that. Shri R.A. Joshi, learned counsel appearing for the applicant pointed out that respondent No. 3 has in fact correctly calculated the earned leaves, which were at the credit of the applicant of which the encashment was permissible. Learned counsel pointed out that respondent No. 3 held the applicant entitled for the encashment of 296 days of earned leave and accordingly forwarded the said proposal to respondent No. 2. Learned counsel pointed out that respondent No. 2 without referring any provision of law instead of approving the said proposal modified the same and held the applicant entitled for the encashment of only 209 days earned leave mentioning that the applicant cannot be held entitled for the earned leaves earned by him while working on the *ad hoc* basis.

4. Learned counsel appearing for the applicant pointed out that in the Government Circular dated 1.3.1997 it has been clarified that in the event the employee concerned is continued beyond the period of three years as ad hoc employee, he will be entitled for all benefits of leave as are applicable to the regular *ad hoc* employees (नियमित अस्थाई कामगार) and, as such, respondent No. 2 could not have interfered in the proposal submitted by respondent No. 2. Learned counsel submitted that order passed by respondent No. 2 being without any authority of law and not based on any rule or any provisions, on the contrary, apparently appears to be against norms laid down in the Government Circular dated 01-03-1997, deserves to be quashed and set aside and the proposal submitted by respondent no.2 deserves to be considered as it is. Learned Counsel in the circumstances, prayed for allowing the O.A.

5. Learned Presenting Officer appearing for the respondents has opposed the request so made. Learned P.O. submitted that unless an employee is absorbed in the regular employment, he does not become entitled for the benefits which are available

or applicable for the regularly appointed employees and as such applicant cannot claim the benefits of the regular employee. Learned P.O. in the circumstances prayed for dismissal of the present O.A.

6. It is not in dispute that the respondent no.3 had calculated the earned leave to the credit of the applicant to the tune of 296 days. It is also not in dispute that while computing the said period, the respondent no.3 has considered 87 earned leaves earned by the applicant while he was working as an ad-hoc employee. Respondent no. 2 held the applicant entitled for the leave encashment of the leave of 209 days excluding the aforesaid 87 days. The question for consideration is whether the aforesaid order can be sustained. It is true that in the impugned order, respondent no.2 has not quoted or relied upon any rule or provision or G.R. to support his said order. On the contrary, circular which has been filed on record and brought to my notice issued on 01-03-1997, clearly speaks that an employee working on ad-hoc basis, if continued as an ad-hoc employee beyond the period of 3 years,

shall be thereafter held entitled for all types of leaves as are available to the regular ad-hoc employee on the establishment. In such circumstances, apparently, the impugned order appears to be unsustainable and deserves to be set aside. It is accordingly set aside. In the result, the following order is passed:

ORDER

- (i) The prayer made by the applicant for grant of 87 days encashment of earned leave in addition to the 209 days as allowed by respondent no.3, deserves to be allowed and is accordingly allowed.

- (iii) Respondents are directed to hold the applicant entitled for encashment of earned leave of the total period of 296 days i.e. inclusive of 87 days earned leave earned by the applicant while working as an ad-hoc employee.

- (iv) O.A. is allowed accordingly with no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 820 OF 2021
(Akash S/o. Gajanan Lavate Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Masood C. Syed, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, learned Presenting Officer has sought time to file affidavit in reply in the present matter. Request is strongly opposed by the learned counsel appearing for the applicant. Learned counsel pointed out that several opportunities are already availed by the respondents for filing affidavit in reply and despite that the same has not been filed. Learned counsel submitted that even otherwise the matter can be decided even without filing of the affidavit in reply by the respondents, since it is covered by the judgment delivered by the Hon'ble Bombay High Court Bench at Aurangabad in W.P. No. 6267/2018 decided on 11.3.2020. I have gone through the contents of the application, as well as, documents filed on record. It does not appear to me that any serious prejudice is likely to be caused to the respondents, if the matter is heard without their

//2//

O.A. No. 820/2021

affidavit in reply. In the circumstances, I heard the arguments of the learned counsel appearing for the applicant and the learned Presenting Officer appearing for the respondent authorities.

3. It is the case of the applicant that his father who was in the employment of respondent No. 4 died on 5.4.2008 while in service. Thereafter, mother of the applicant filed an application seeking compassionate appointment in place of her husband. The said application was preferred by her on 24.11.2008. While her application was under consideration, she filed another application with the concerned authorities on 19.11.2013 praying therein that in her place the compassionate appointment may be given to her son after he attains the age of majority. However, the said application was not considered and mother of the applicant was also not provided with the compassionate appointment. Thereafter, the Collectorate, Jalna addressed the letter dated 21.6.2021 to respondent No. 4 in respect of inclusion of the name of mother of the applicant in the list of the candidates eligible to be offered the

//3//

O.A. No. 820/2021

compassionate appointment and, therefore, required respondent No. 4 to collect certain information from the mother of the applicant. Accordingly, respondent No. 4 on 23.8.2021 issued a letter in the name of mother of the applicant calling upon her to submit required documents. However, prior to that in March, 2021 the applicant has already made a request for substitution of his name and has requested for considering his case for compassionate appointment. However, the said request was not considered. Lastly respondent No. 4 vide his communication dated 23.9.2021 informed the mother of the applicant that as per Government Resolution dated 20.5.2021 there is no provision for substitution of name of the legal heirs for compassionate appointment. The applicant has questioned the legality of the said order and has prayed for direction against the respondents to allow the application filed by the applicant for substitution of his name in place of his mother in the list of the candidates to be offered compassionate appointment.

//4//

O.A. No. 820/2021

4. Learned counsel appearing for the applicant submitted that identical issue was for consideration before the Aurangabad Bench of the Hon'ble Bombay High Court in W.P. No. 6267/2018 and the Hon'ble Division Bench has read down the aforesaid provision being unreasonable restriction imposed. Learned counsel invited my attention to the discussion made by the Hon'ble High Court in paragraph 5 of the said judgment and submitted that in view of the law laid down by the Hon'ble High Court in the aforesaid matter the present application be allowed.

5. Learned Presenting Officer appearing for the respondent authorities has resisted the contentions raised on behalf of the applicant. Learned P.O. submitted that in fact there has remained no propriety in considering the request of the applicant after long 13 years of the death of the deceased Government employee. Learned P.O. submitted that very object of compassionate appointment is to provide employment to legal heirs of the Class-IV employees, so that it shall not happen that there is no earning member in the family after the death of

//5//

O.A. No. 820/2021

the Government employee. Learned P.O. submitted that after 13 years of the death, such a situation cannot be apprehended. Learned P.O. submitted that the application deserves to be dismissed on this ground alone. Learned P.O. further submitted that in the year 2013 the mother of the applicant herself has communicated to the respondents that she was not ready to receive the appointment on account of her ill health.

6. Learned counsel appearing for the applicant submitted that at the relevant time the present applicant may be of the age of 13 or 14 years i.e. minor and only after he has attained the age of majority he has made an application. Learned P.O. submitted that in view of the Government Resolution dated 20.5.2015 the request has been rightly rejected by the respondents. Learned P.O. pointed out that only in the case of death of the legal heir, who is claiming compassionate appointment that any other legal heir can be substituted in his place. In the present case when the mother of the applicant whose name is included in the list of the candidates is alive, there is no reason for

//6//

O.A. No. 820/2021

substituting the name of the present applicant. Learned P.O. in the circumstances, prayed for rejecting the application.

7. I have considered the submissions advanced on behalf of the applicant and learned Presenting Officer on behalf of the respondent authorities.

8. After having gone through the pleadings and the documents filed on record, it is quite evident that though the Government servant i.e. Gajanan Lavate died in the year 2008 and the mother of the applicant claimed the compassionate appointment in the same year by filing application on 24.11.2008, till the year 2021 there was no offer of employment on compassionate ground. The name of mother of the applicant was first time considered in June 2021 for to be appointed on compassionate ground. In the meanwhile some developments had occurred. The mother of the applicant had filed an application 19.11.2013 requesting the respondents to consider the case of her son for giving compassionate appointment in her place after her son becomes major. Though the said letter was submitted with

the respondents in the year 2013 it appears that the same remained unattended and no decision was taken thereupon. The correspondence in the year 2021, which is filed on record at page Nos. 35 & 36 of the paper book, reveals that for the first time the offer came to be made to the mother of the applicant of the compassionate appointment and she was required to furnish certain documents.

9. Having regard to the facts as aforesaid the contentions raised on behalf of the Government that after long gap of 13 years the request for compassionate appointment has become insignificant cannot be accepted. I reiterate that for the first time the offer was made in the year 2021. As has come on record by that time son of the applicant had become major. Mother of the applicant had already applied for substituting his name in her place by way back in the year 2013. The applicant also in March, 2021 made an application to the respondents with a request to substitute his name in place of his mother. However, the said request was also remained unattended and finally now the respondents have

//8//

O.A. No. 820/2021

refused the request for substitution on the ground that the Government Resolution dated 21.5.2015 does not permit such substitution.

10. In W.P. No. 6267/2018 the identical issue was raised and the concerned clause in the said G.R. dated 20.5.2015 was challenged in the aforesaid W.P. While deciding the W.P. the Hon'ble High Court has made the following observations: -

“5. After hearing learned advocates for the parties and going through the Government Resolution dated 20.05.2015, we are of the view that the prohibition imposed by the Government Resolution dated 20.05.2015 that name of any legal representative of deceased employee would not be substituted by any other legal representative seeking appointment on compassionate ground, is arbitrary, irrational and unreasonable and violates the fundamental rights guaranteed by Article 14 of the Constitution of India. As per the policy of the State Government, one legal representative of deceased employee is entitled to be considered for appointment on compassionate ground. The prohibition imposed by the Government Resolution dated 20.05.2015 that if one legal representative of deceased employee stakes claim for appointment on compassionate ground, then name of another legal representative of that deceased employee

//9//

O.A. No. 820/2021

cannot be substituted in the list in place of the other legal representative who had submitted his/ her application earlier, does not further the object of the policy of the State Government regarding appointments on compassionate grounds. On the contrary, such prohibition frustrates the object for which the policy to give appointments on compassionate grounds is formulated. It is not the case of respondent no. 2 that petitioner's mother was given appointment on compassionate ground and then she resigned and proposed that petitioner should be given appointment. The name of petitioner's mother was in waiting list when she gave up her claim and proposed that the petitioner should be considered for appointment on compassionate ground."

Eventually the Hon'ble Division Bench directed the respondent No. 2 in the said matter i.e. Chief Executive Officer, Zilla Parishad, Parbhani to include the name of the petitioner therein in the waiting list of the persons seeking appointment on compassionate ground substituting his name in place of his mother's name.

11. The facts involved in the present matter are quite identical to the facts which were involved in the aforesaid matter before the Hon'ble High Court. The law laid down in the aforesaid judgment

//10//

O.A. No. 820/2021

therefor, would squarely apply to the facts of the present case. The learned P.O. has not brought on record any contrary judgment. In the present matter also name of the mother of the applicant was there in the waiting list of the persons seeking appointment on compassionate ground. Before her turn comes, she had filed an application for substituting the name of her son in her place. The applicant also had made a similar request. The applicant was otherwise qualified to be given appointment on compassionate ground and was fulfilling the criterias of education, age etc. In the circumstances, refusal by the respondents to substitute his name in place of his mother cannot be sustained in view of law laid down in the aforesaid judgment.

12. In the circumstances, the present Original Application deserves to be allowed. Hence the following order :-

ORDER

(i) The respondents are directed to include the name of the present applicant in the waiting list of persons seeking appointment on compassionate

//11//

O.A. No. 820/2021

ground substituting his name in place of his mother's name.

(ii) All adverse orders passed in the matter shall stand quashed.

(iii) The seniority of the present applicant for appointment on compassionate ground on the commensurate post shall be reckoned from 8.3.2021.

(iv) The present Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 14.11.2022-HDD

T.A. NO. 14/2022 (W.P. NO. 373/2022)
(Shri Satish B. Kulkarni Vs. State of Maharashtra & Ors.)
AND
T.A. NO. 15/2022 (W.P. NO. 2850/2022)
(Shri Janardan B. Murme & Ors. Vs. State of Maharashtra
& Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri S.B. Sontakke, learned counsel for the applicants in both the matters and Smt. Deepali S. Deshpande & Shri V.R. Bhumkar, learned Presenting Officers for the respective respondents in respective matters.

2. In view of the fact that the applicants in both these matters are claiming the same relief and are similarly situated candidates, I have heard both the matters together and deem it appropriate to decide both these matters by a common judgment.

3. The applicants have filed the present applications seeking the following relief :-

PRAYERS IN T.A. NO. 14/2022

“(B) By issuing writ of mandamus or any appropriate writ, order or direction in like

::-2-::

nature, to direct, benefit that was accorded to petitioner of excellent work by orders dated 8.2.2007 shall not be withdrawn, in view of the orders of this Hon'ble Court in Writ Petition No. 10993/2019 dated 5.9.2019.

(C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, the respondents may be directed to pay/release monetary benefits of additional increments for "outstanding work" granted to the petitioners by order 8.2.2007 with consequential benefits to the petitioner by fixing reformative six pay scales and for that purpose issue necessary direction or order to the respondents."

PRAYERS IN T.A. NO. 15/2022

"(B) By issuing writ of mandamus or any appropriate writ, order or direction in like nature, to direct the respondents, benefit that was accorded to petitioners of excellent work by orders dated 3.3.2007, 3.9.2007, 17.8.2009 and 24.2.2010 shall not be withdrawn and if any recovery is made pursuant to the same, same shall be refunded to the petitioners, in view of the orders of this Hon'ble court in Writ Petition No. 10993/2019 dated 5.9.2019.

(C) By issuing writ of mandamus or any other appropriate writ, order or direction in like nature, the respondents may be directed to pay/release monetary benefits of additional increments for "outstanding work" granted to the petitioners by order dated 3.3.2007,

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3.9.2007, 17.8.2009 and 24.2.2010 with consequential benefits to the petitioners by fixing reformative six pay scales and for that purpose issue necessary direction or order to the respondents.”

4. As is contended in the applications the applicants were granted advance increment. It is the contention of the applicants that for excellent work performed, they were given advance increments vide the aforesaid orders. After recommendations of 6th Pay Commission the Government however withdrew the said increment vide the impugned order. It is the contention of the applicants that the GR on the basis of which the advance increment granted to the applicant was withdrawn could not have been applied retrospectively. The learned counsel for the applicants has relied on the judgment delivered by the Division Bench of the Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No. 10993/2019 with other Writ Petitions. The learned counsel submitted that the identical issue was involved in the said matter and the Hon'ble High Court while deciding the said WPs has held that the GR dated 24.8.2017 will have prospective effect and

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not retrospective and if any benefit has been accorded on the basis of the earlier GR, it cannot be withdrawn on the strength of the said GR. The learned counsel has today placed across the bar another judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No. 3853/2020 wherein the law laid down by the Division Bench earlier has been reiterated. The learned counsel submitted that in view of the law laid down by the Hon'ble High Court the present applications of the applicants deserve to be allowed and be accordingly allowed.

5. The learned Presenting Officers have fairly conceded that the issue has been finally resolved by the decision of the Hon'ble High Court and hence prayed for passing appropriate order.

6. In the judgment delivered by the Division Bench of Hon'ble High Court in W.P. No. 10993/2019 and the batch the Hon'ble High Court has ruled that the GR dated 24.8.2017 cannot be retrospectively made applicable. In the present matters it is not disputed that the advance

increments granted to the applicants were withdrawn on the strength of the aforesaid GR.

7. The learned counsel for the applicants has placed on record the copy of the order passed by the Division Bench of Hon'ble Bombay High Court in WP No. 3853/2020. In para 5 of this order the Division Bench has reproduced some of the paragraphs in the judgment and order dated 30.8.2022 passed in Review Application (Civil) No. 170/2022 in WP No. 13760/2019. I deem it appropriate to reproduce the said discussion even in the present matter since the issues raised in the present matters are squarely answered therein :-

“12. After having heard learned Counsels at length, we find that the review applicants have not been able to point out any specific instructions issued prior to 24.08.2017/04.09.2018 for discontinuation of the schemes for grant of advance increments. Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 do not indicate that any final decision was taken for discontinuation of schemes for advance increments. We proceed to examine the Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 in details.

13. Government Resolution dated 27.02.2009 came to be issued by the State Government

essentially for conveying the decision of the State Government about acceptance or otherwise of various recommendations made by the Hakim Committee constituted for implementation of recommendations of the 6th Central Pay Commission. In Annexure to the said Government Resolution, each recommendation and decision of the State Government thereon have been enumerated. So far as the scheme for advance increment is concerned, the same is to be found at serial number 27 of the Annexure (para 3.24 of Committees Report). In that paragraph, the Committee recommended that for employees/Officers rendering outstanding service, increment @ 4% be awarded instead of 3% and such increment be granted once in 5 years. It was further recommended that since increment at higher rate was being granted, the then existing scheme for grant of one or two advance increments be discontinued. However, in the column 'Decision of State Government' against para 3.24, remark is made stating that 'separate action would be taken by General Administration Department'. As against various other recommendations, the remark 'accepted' has been made. The recommendation made in para 3.24 by the Hakim Committee was not accepted at least on the date of issuance of Government Resolution dated 27.02.2009 and General Administration Department was to take a decision thereon separately. Thus, it cannot be inferred that any specific decision was taken by the State Government on 27.02.2009 for discontinuation of scheme for grant of advance increment. Therefore, we do not find that the orders under review need to be disturbed on the basis of the Government Resolution dated 27.02.2009.

14. Now, we come to the Circular dated 03.07.2009. By the said Circular, it was directed that the issue of discontinuation of scheme for grant of advance increment was under consideration with the State Government and that some time was required for taking final decision. Therefore, it was further directed that temporarily the pay fixation of the employees in the 6th Pay Commission scales be made without considering the advance increments. Thus, the Circular dated 03.07.2009 was clearly issued as a temporary measure. The said circular did not communicate any decision to the effect that the State Government discontinued the scheme for grant of advance increments. Therefore, we find that the reliance of Mr. Dixit on the Circular dated 03.07.2009 is again of no avail.

15. We have carefully gone through the Government Resolution dated 24.08.2017 and Circular dated 04.09.2018. By the Government Resolution dated 24.08.2017, final decision came to be taken in respect of recommendation made by the Hakim Committee in para 3.24 of its report directing that during the period from 01.10.2006 to 01.10.2015 when revised pay scales as per 6th Pay Commission were admissible, the benefit of advance increments should not be granted. Thus, the final decision on para 3.24 of Committees Report was taken by the State Government only on 24.08.2017. However, instead of simply directing that the scheme for grant of advance increments is discontinued, the State Government sought to give retrospective effect to its decision by directing that the benefit of such advance increments be not given during the period from 01.10.2006 to 01.10.2015. While issuing such orders having retrospective effect, the State Government lost sight of the fact that several employees were already granted the

benefit of advance increments during the relevant period. As we have observed earlier, the deliberations for discontinuation of the scheme started only on 27.02.2009 / 03.07.2009 and prior to that, admittedly, the issue of discontinuation of the scheme for grant of advance increment was not even under consideration. The instructions for temporarily doing pay fixation without advance increments were issued on 03.07.2009. This means that several employees must have already been granted advance increments during the period from 01.10.2006 to 03.07.2009. We, therefore, fail to comprehend as to how the State Government could have issued directions on 24.08.2017 that the benefit of advance increments should not be granted from 01.10.2006 onwards. Even in respect of employees becoming eligible for grant of advance increments after 27.02.2009, we do not find any error in the view taken by this Court that the Government Resolution dated 27.08.2017 would only have prospective effect.”

8. In view of the law laid down as above by the Hon'ble High Court it is quite evident that in the instant matters also the respondents could not have withdrawn the advance increments granted to the respective applicants during the period between 1.10.2006 to 3.7.2009. Both the present applications, therefore, deserve to be allowed and accordingly allowed in terms of prayer clauses B & C of both the applications. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 689/2022
(Madhav B. Marde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent no. 6.

2. The learned PO has sought time by way of last chance for filing the affidavit in reply on behalf of respondent nos. 1 to 4. The request so made by the learned PO is opposed by the learned counsel for the applicants. However, in the interest of justice time granted as a last chance. If the reply is not filed within given period, the respondent nos. 1 to 4 may not be permitted thereafter to file reply and the matter will be heard without reply of the said respondents.

3. S.O. to 28.11.2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 479/2021
(Lotan D. Vishi Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Yogesh M. Patil, learned counsel for respondent no. 2, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent no. 1. It is taken on record and copy thereof has been supplied to other side.

3. The learned counsel for the applicant submits that the applicant is not intended to file the rejoinder at this stage.

4. In the circumstances, the matter be listed for hearing on 24.11.2022.

VICE CHAIRMAN

**O.A. NOS. 457, 458 AND 462 ALL OF 2020
(Samba H. Sarpate & Ors. Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri P.D. Jarare, learned counsel for the applicants in all these matters, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters and Shri Anuradha S. Mantri, learned counsel for respondent no. 2 in all these matters, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant in all these matters. Time granted.

3. S.O. to 28.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO. 909/2018
(Atamaram N. Mahide Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

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

2. The learned PO has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 2.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO. 413/2021
(Pandhari S. Ahankare Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has sought time for filing the rejoinder affidavit of the applicant. Time granted.

3. S.O. to 21.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 464/2021
(Vilas K. Hiwale Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri AS Deshmukh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has sought time for filing the rejoinder affidavit of the applicant. Time granted.

3. S.O. to 2.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 592/2021
(Khandu H. Wane Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Await service.

3. S.O. to 12.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO. 651/2021
(Dr. Shivaji D. Birare Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

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

2. Await service of notice for respondent no. 1.
3. S.O. to 12.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO. 410/2022
(Anand T. Chintakute Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Shri Nikhil P. Dube, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned counsel for the applicant, issue fresh notices to the respondents, returnable on 13.12.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 13.12.2022.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

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

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

14.11.2022

ORAL ORDER :

Shri Vijay C. Suradkar, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 2.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

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

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

14.11.2022

ORAL ORDER :

Shri Vijay C. Suradkar, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 2.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 511/2021
(Sandeep Patil Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri M.G. Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Issue notices to the respondents, returnable on 22.12.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 22.12.2022.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**M.A. 487/2022 IN O.A. NO 836/2022
(Shravan Khairnar Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Heard Shri Anup Mane, learned counsel holding for Shri Amol Gandhi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The present Application is filed seeking amendment in O.A. No. 836/2022. The application is filed even before passing order the first order in O.A. In the circumstances there seems no reason for rejecting the request. Hence the following order :-

ORDER

(i) The present M.A. is allowed without any order as to costs.

(ii) The learned counsel submitted that during the course of the day he will carry out the amendment in the O.A. and will supply the amended O.A. to the other side. He has requested for taking O.A. for consideration.

VICE CHAIRMAN

O.A. NO 836/2022
(Shravan Khairnar Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri Anup Mane, learned counsel holding for Shri Amol Gandhi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 22.12.2022.

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

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

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

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

7. S.O. to 22.12.2022.

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

VICE CHAIRMAN

M.A. 488/2022 IN O.A. NO 936/2022
(Ajay Bhonge Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri Vishnu Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. The present Application has been filed seeking amendment in prayer clauses in O.A. No. 936/2022. Since the application has been filed before any order has been passed in O.A., it deserves to be allowed. Hence the following order :-

ORDER

- (i) The present M.A. is allowed without any order as to costs.
- (ii) The amendment may be carried out during the course of the day.

VICE CHAIRMAN

O.A. NO 936/2022
(Ajay Bhonge Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri Vishnu Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 22.12.2022.

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

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

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

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

7. S.O. to 22.12.2022.

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

VICE CHAIRMAN

O.A. NO 974/2022
(Rahul K. Gaikwad Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 22.12.2022.

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

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

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

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

7. S.O. to 22.12.2022.

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

VICE CHAIRMAN

O.A. NO 993/2022
(Dattatraya Kakde Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri S.G. Kawade, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The learned counsel has insisted for interim relief. After having gone through the contents of the application and the documents filed on record it appears to me that the affidavit in reply of the respondents will be required even for consideration of the request for interim relief. Hence the following order :-

ORDER

1. Issue notices to the respondents, returnable on 28.11.2022.

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

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

::-2-::

O.A. NO 993/2022

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

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

6. I direct the respondents to file the affidavit in reply by the next date to the prayer of interim relief made by the applicant, failing which the matter will be heard on interim relief without their reply.

7. S.O. to 28.11.2022.

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

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

O.A. NO 995/2022
(Shaikh Imroj Sk Riyaz Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

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

2. The applicant is seeking compassionate appointment. The request for appointment on compassionate ground has been rejected by the authority concerned on the ground of having more than 2 children. Relying on the judgment of the Hon'ble Bombay High Court in the case of **Firdous Mohammad Yunus Patel Vs. the State of Maharashtra & Ors., W.P. No. 2721/2021** decided on 4.8.2022 it is the contention of the learned counsel for the applicant that his request for appointment on compassionate ground has been wrongly rejected. Having heard the arguments of the learned counsel for the applicant and after going through the judgment relied upon by the learned counsel I deem it appropriate that a case is made out for issuance of notices. Hence, the following order :-

ORDER

1. Issue notices to the respondents, returnable on 23.12.2022.

::-2-::

O.A. NO 995/2022

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

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

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

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

6. S.O. to 23.12.2022.

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

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

O.A. NO 368/2021
(Nanda M. Paul & Ors. Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. The present Original Application is allowed. The detailed order would follow.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

O.A. NO 588/2020
(Savita Salve Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Shri S.S. Shinde, learned counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. On 5.7.2022 the matter was adjourned by observing that the rejoinder is not filed. Thereafter the matter was posted on 3.8.2022, 6.9.2022, 17.10.2022, however, on none of the said dates neither the applicant or his counsel has caused the appearance. In the interest of justice the matter stands adjourned for hearing on 2.12.2022. If the matter is not worked out on the given date the same shall stand dismissed for want of prosecution.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

O.A. NO 542/2021
(Dr. Sunil Palhal Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Pawan Ippar, learned counsel for respondent no. 5.

2. Shri NU Yadav learned PO is to appear for respondent authorities in the present matter. It is informed by Shri Patil, learned PO that it may not be possible for Shri Yadav to appear in the present matter today.

3. In the circumstances, S.O. to 21.11.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 789/2021
(Ganesh Y. Pawar Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri A.K. Sable, learned counsel holding for Shri Ramesh Wakade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 5.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 548/2021
(Rajendra Gunjal Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri A.T. Jadhavar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondents after amendment is carried out in O.A. It is taken on record and copy thereof has been supplied to other side.

3. At the request of learned counsel for the applicant, S.O. to 12.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 806/2021
(Pralhad Sonune Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

None appears for the applicant. Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel S.O. to 12.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 483/2022
(Sanjay Fasale Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri O.D. Mane, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the reply of respondent nos. 1, 2, 3 & 5. It is taken on record and copy thereof has been supplied to other side. The respondent no. 4 has not filed reply till date. Hence the matter shall proceed further without reply of respondent no. 4.

3. S.O. to 2.12.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 766/2021
(Narandra Joshi Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

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

2. The learned PO has tendered across the bar the reply of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 12.12.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 817/2021
(Vilas Dhole Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Await service.

3. S.O. to 12.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 180/2022
(Deepak Kharath Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri Ashish 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 counsel for the applicant, S.O. to 6.12.2022 for filing rejoinder, if any, of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 329/2022
(Suresh Jagtap Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 6.12.2022 for filing rejoinder, if any, of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 470/2022
(Prasad Mule Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent no. 3, are present.

2. S.O. to 6.12.2022 for filing affidavit in replies by the respective respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO. 471/2022
(Jayant Bhamre Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 7.12.2022 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

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

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

14.11.2022

ORAL ORDER :

Shri V.P. Golewar, 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 PO, S.O. to 2.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 799/2022
(Suresh Jadhav Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 2.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO. 800/2022
(Dilip B. Bhalekar Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri K.B. Jadhav, 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 PO, S.O. to 2.12.2022 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO. 829/2022
(Musaddiq Ahmed Madni Masood Ahmed Madni Vs. State
of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 5.12.2022 for filing the rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**MA 231/2021 IN OA ST. 782/2021
(Raju Kamble Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Await service.
3. S.O. to 13.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**MA 351/2021 IN OA ST. 1391/2021
(Dr. Surekha Totala Vs. State of Maharashtra & Ors.)**

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

14.11.2022

ORAL ORDER :

Shri SG Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Await service.

3. S.O. to 13.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

MA 289/2022 IN OA ST. 1064/2022
(Vijay Palaskar Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Shri PV Ambade, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO S.O. to 6.12.2022 for filing the reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

MA 464/2022 IN OA ST. 1803/2022
(Sunil Kandere Vs. State of Maharashtra & Ors.)

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

14.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. Await service.
3. S.O. to 14.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.347/2021
(Suresh Bharati Vs. State of Maharashtra & Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

Heard Smt. R.L.Jakhade, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. Applicant was suspended vide order dated 09-12-2020. Said order of suspension has been revoked w.e.f. 01-11-2021 and the applicant has been reinstated in service. It is the grievance of the applicant that though suspension has been revoked, applicant has not been paid wages that ought to have been paid. The applicant has, therefore, filed the present O.A. seeking arrears of said emoluments.

3. In the affidavit in reply filed on behalf of the respondents, factual matrix is not disputed.

=2=

O.A.No.347/2021

No such case is also made out by the respondents or no reason has been assigned for withholding any of such payments.

4. I need not to indulge in making any more discussion since the law in this regard has been settled by the judgment of the Hon'ble Apex Court in the case of **Ajay Kumar Chaudhary V/s. Union of India & Ors. [(2015) 7 SCC 291]**. Relying on the same this Tribunal has passed several orders directing the respondents to pay arrears of wages of the period of suspension. In the instant matter, applicant has made out a case for accepting the request made in the O.A.

5. In the circumstances, O.A. deserves to be allowed. Hence, the following order is passed:

=3=

O.A.No.347/2021

ORDER

(i) Respondents are directed to pay the arrears of the emoluments for which the applicant is entitled in accordance with law within the period of 8 weeks from the date of this order.

(ii) O.A. stands allowed in the aforesaid terms without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO.843/2022
(Krishna E. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 14-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, Shri S.D.Joshi, learned Counsel for respondent no.4 and Shri S.B.Mene, learned Counsel for respondent nos.2 and 3, are present.

2. Learned P.O. has undertaken to produce on record the relevant record concerning the subject matter on next date.

3. S.O. to 18-11-2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.921/2016
(Sanjay Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

Shri A.D.Sugdare, 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 submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

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

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

DATE : 14-11-2022

ORAL ORDER :

Shri S.D.Joshi, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO.835/2018
(Sunil Pawara Vs. State of Maharashtra & Ors.)

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

DATE : 14-11-2022

ORAL ORDER :

Shri C.V.Bhadane, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.323/2019
(Jairam Mitke Vs. State of Maharashtra & Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

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

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.302/2020, 317/2020 &
05/2021
(Rajesh Choudhary & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

Shri I.D.Maniyar, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.180/2021
(Chandrashekhar Kulthe Vs. State of Maharashtra & Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

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

2. Learned Counsel appearing for the applicant submits that the present is part heard matter and he would like to continue further hearing of the said matter before the learned Member (J), who has partly heard the said matter. Request accepted. List the matter before learned Member (J), Shri V.D.Dhongre.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.502/2017
(Public Prosecutors Association
Vs. State of Maharashtra & Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

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

2. On request of learned Presenting Officer, S.O. to 02-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

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

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

DATE : 14-11-2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Counsel for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.543/2019
(Shivprasad Potpalliwar & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

Shri G.J.Karne, learned Counsel holding for
Shri G.R.Jadhav, learned Counsel for the applicant,
Shri I.S.Thorat, learned Presenting Officer for the
respondent authorities and Shri S.B.Mene, learned
Counsel for respondent nos.2 & 3, are present.

2. S.O. to 30-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO.579/2020
(Dr. Shaikh Ambreen Fatema Vs. State of Maharashtra &
Ors.)

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

DATE : 14-11-2022

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.104/2021
(Chandrakant L. Shirkhedkar Vs. State of Maharashtra &
Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Counsel for the applicant is **absent**. Smt. M.S.Patni, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO.359/2021
(Hajralee @ Nurbee Shaikh Nijam
Vs. State of Maharashtra & Ors.)

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

DATE : 14-11-2022

ORAL ORDER :

Shri R.V.Gore, learned Counsel for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondent authorities, Shri D.T.Devane, learned Counsel for respondent nos.2 to 4 and Shri Abed M. Pathan, learned Counsel for respondent no.7, are present.

2. S.O. to 24-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

**ORIGINAL APPLICATION NO.430/2021
(Dr. Prema Bansode Vs. State of Maharashtra & Ors.)**

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

DATE : 14-11-2022

ORAL ORDER :

Shri S.N.Pagare, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16-12-2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO.750/2021
(Subhash Choudhary Vs. State of Maharashtra & Ors.)

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

DATE : 14-11-2022

ORAL ORDER :

Shri A.J.Patil, learned Counsel for the applicant is **absent**. Shri D.R.Patil, learned Presenting Officer for the respondent authorities is present.

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

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

T.A.NO.08/2022 IN W.P.NO.3060/2022
(Kailas Yarmurwad Vs. State of Maharashtra & Ors.)

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

DATE : 14-11-2022

ORAL ORDER :

Shri Dhananjay Mane, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed sur-rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 08-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

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

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

DATE : 14-11-2022

ORAL ORDER :

Shri Ajinkya S. Mirajgaonkar, learned Counsel for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent authorities and Shri Amit Savale, learned Counsel for respondent no.2, are present.

2. S.O. to 25-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

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

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

DATE : 14-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri J.B.Choudhary, learned Counsel for respondent no.3, are present.

2. S.O. to 21-11-2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 14.11.2022

ORIGINAL APPLICATION NO. 124 OF 2019
(Arun K.Gosawi Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 126 OF 2019
(Raghu G. Mehetre Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, learned Presenting Officer for the respondents in both the O.As.

2. By consent of both the sides, S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 119 OF 2018
(Smt. Jyoti L. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Santosh N. Patne, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 19.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 569 OF 2018
(Prashant A. Bonge Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

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

3. By consent of both the sides, S.O. to 28.11.2022 for final hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

**C.A.NO.27 OF 2022 IN O.A.NO.349 OF 2022
(Sahebrao S. Pallewad Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

None present on behalf of the applicant.

Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submitted that he would file compliance report during the course of the day.

3. S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 14.11.2022

ORIGINAL APPLICATION NO. 93 OF 2019
(Priyanka J. Janephalkar Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri J. M. Murkute, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 24.11.2022 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

M.A.NO.185 OF 2021 IN O.A.NO.257 OF 2021
(Nanasaheb L. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 24.11.2022 for hearing. **High on Board.**

3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**M.A.NO.192 OF 2021 IN O.A.NO.258 OF 2021
(Laxman N. Sormare Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 24.11.2022 for hearing. **High on Board.**
3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 372 OF 2021
(Sanjay N. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Vikas G. Kodale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities. Shri Sachin S. Deshmukh, learned Advocate for the respondent Nos.3 & 5, is **absent**.

2. Learned Presenting Officer placed on record enquiry report dated 02.06.2021 which is referred without date in the impugned order of termination dated 24.06.2021 (part of Annex. 'A-5' collectively) issued by the respondent No.5. This enquiry report was submitted to the Dean of Vilasrao Deshmukh Government Institute of Medical Sciences, Latur by the Enquiry Committee. It is taken on record immediately after affidavit-in-reply filed on behalf of the respondent No.4 by giving page No.56A.

3. The present matter be treated as part heard.

4. S.O. to 30.11.2022.

MEMBER (A)

MEMBER (J)

**C.P.NO.01/2022 WITH M.A.NO.337/2021 IN
T.A.NO.02 OF 2021 IN W.P.NO.2612 OF 2021
(Samiksha Chandrakar & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri U.S. Patil, learned Counsel for the applicant in M.A.No.337/2021.

2. By consent of all the parties, S.O. to 23.11.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 387 OF 2016
(Dr. Nomani Muhammed Mufti Tahair Vs. State of
Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Smt. Vinaya Muley-Dharurkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.
3. The matter is pertaining to continuation of service since 25.01.2005. It is admitted and fixed for final hearing.
4. S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 42 OF 2018
(Tukaram P. Bondre Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 800 OF 2018
(Dr. Kirankumar L. Bondar Vs. State of Maharashtra &
Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Shri Vithal M. Chate, learned Advocate for the applicant (**absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 13 OF 2019
(Tufansing L. Shele Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 501 OF 2020
(Dr. Prashant B. Shamkumar Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 01.12.2022 for hearing

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 31 OF 2021
(Sattar Khan Jamal Khan Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri M.P. Gude, learned Advocate for the respondent No.2.

2. By consent of all the parties, S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 46 OF 2021
(Pradhumn R. More Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Shri D.M. Shinde, learned Advocate for the applicant (**absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 105 OF 2021
(Smita K. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Smt. Vinaya Muley-Dharurkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 09.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 367 OF 2021
(Ganpat M. Khokale Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Smt. Vinaya Muley-Dharurkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 12.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 520 OF 2021
(Varsha V. Kulkarni & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Record shows that the matter is fixed for hearing without reply.

3. Today learned C.P.O. placed on record the copy of communication dated 22.07.2022 received by the office of C.P.O. seeking time for filing affidavit in reply. However, the matter is already proceeded for hearing.

4. In view of above, S.O. to 21.11.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 600 OF 2021
(Subhash G. Dhutire Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 09.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 759 OF 2021
(Ashwini A. Wavhal & Ors. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 21 OF 2022
(Ravita B. Rathod Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 639 OF 2022
(Prashant S. Morale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate for the applicants in all these O.A.s and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. At the request of the learned Advocate for the applicants, S.O. to 15.11.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 818 OF 2021
(Dr. Ashwini A. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities, Shri G.M. Ghongde, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the respondent No.6, Shri S.G. Kulkarni, learned Advocate for the respondent No.8, Shri Amol T. Jagtap, learned Advocate for the respondent No.9 and Shri Akshay H. Joshi, learned Advocate for the respondent No.7.

2. By consent of all the parties, S.O. to 09.12.2022 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 161 OF 2022
(Bharat A. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 09.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 268 OF 2022
(Chandrashekhar K. Mundhe & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Shri Kalyan V. Patil, learned Advocate for the applicants (**absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 352 OF 2022
(Rajaram C. Sevalikar Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Affidavit-in-rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 19.12.2022 for hearing/ for filing affidavit-in-sur-rejoinder by the respondents, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 446 OF 2022
(Giriraj K. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Vijay P. Latange, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities. Shri S.G. Bhalerao, learned Advocate for the respondent Nos.3 & 4, is **absent**.

2. By consent of both the sides, S.O. to 28.11.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2022
(Suvarna P. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 09.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO.194 OF 2021 IN O.A.NO.497 OF 2019
(Ravindra N. Turukmane Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Hemant Surve, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 12.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 14.11.2022

**M.A.NO.29 OF 2022 IN O.A.ST.NO.11 OF 2022
(Yashvant M. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 12.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO.486 OF 2022 IN O.A.NO.397 OF 2019
(Shilpa J. Ingale Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 14.11.2022

**M.A.ST.NO.1274/2021 IN M.A.NO.35 / 2019 IN
O.A.ST.NO.47 OF 2019
(Rajendra P. Ghanwat & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri A.B. Chalak, learned Advocate for the applicants in M.A.ST.1274/2022, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned Advocate for the applicant in M.A.No.35/2019 in O.A.St.No.47/2019.

2. By consent of all the parties, S.O. to 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO.407 OF 2022 IN O.A.NO.567 OF 2021
(Aarifa Gulab Maniyar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents opposed the present Misc. Application which is made seeking amendment in the Original Application and production of documents.

3. The Original Application is filed challenging the initiation of departmental enquiry. The applicant wants to take additional ground by relying upon Government circulars dated 07.04.2010 and 01.04.2010. In view of the same, it cannot be said that by proposed amendment nature of the Original Application is likely to be changed. The proposed amendment would be just and proper to determine the real question of controversy between the parties. Hence, I proceed to pass the following order:-

//2// M.A.407/2022 In
O.A.567/2021

ORDER

- (A) The Misc. Application No.407/2022 is allowed.
- (B) Amendment as prayed for is granted.
- (C) The applicant to carry out the amendment within the period of two weeks from the date of this order and to serve the copy of amended O.A. on the other side.
- (D) No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.567 OF 2021
(Aarifa Gulab Maniyar Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. S.O. to 05.12.2022 for hearing.
3. The respondents are at liberty to file affidavit-in-reply to the amended O.A.

MEMBER (A)

MEMBER (J)

O.A. No. 380/2019 with O.A. No. 886/2019
(Bhanudas E. Uglae & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri C.A. Shingare, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3 in both the O.As.
3. At the request of learned Advocate for the applicants, time is granted for filing rejoinder affidavit in both the O.As.
4. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 426 OF 2020
(Sunil S. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 21.12.2022 for admission. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 427 OF 2020
(Rahul B. Chaudhare Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 21.12.2022 for admission. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 696 OF 2022
(Sarjerao V. Thombre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri Avishkar Shelke, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 951 OF 2022
(Chetan A. Gangane Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 15.11.2022.

MEMBER (A)

MEMBER (J)

**M.A. No. 14/2021 in O.A. St. No. 1471/2020
(Varsha M. Kalyankar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

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

3. S.O. to 02.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 14.11.2022

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

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Deeapk Manorkar, learned Advocate for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent No. 1 and Shri S.B. Mene, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Advocate for the applicants, time is granted for filing rejoinder affidavit, if any.
3. S.O. to 20.12.2022. **High on Board.**

MEMBER (A)

MEMBER (J)

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

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

DATE : 14.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 148 OF 2021
(Dattaram U. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 583 OF 2020
(Vishal R. Mhaske Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 942 OF 2019
(Shaikh Hameed Shaikh Dadamiyan Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day affidavit in reply would be filed.
3. At the request of learned Advocate for the applicant, S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 960 OF 2018
(Sunil B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Vidya Taksal, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 19.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 392 OF 2018
(Chandrakant R. Kapse Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri S.G. Joshi, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri U.S. Dambale, learned Advocate for respondent Nos. 5 to 7 & 9.

2. At the request of learned Advocate for the applicant, S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1086 OF 2019
(Chintaman H. Vasave Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 & 2 and Shri K.B. Jadhav, learned Advocate for respondent No. 3. None present on behalf of respondent No. 4, though duly served.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 & 2. No affidavit in reply is filed on behalf of respondent No. 4.

3. At the request of learned Advocate for respondent No. 3, time is granted as a last chance for filing affidavit in reply.

4. S.O. to 17.11.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 685 OF 2022
(Nagesh G. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2, 3 & 4.

3. Learned Presenting Officer submits that the respondent No. 1 adopts the affidavit in reply filed on behalf of respondent Nos. 2, 3 & 4.

4. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

5. The present matter is pertaining to Departmental Enquiry. Hence, the O.A. is admitted and it be fixed for hearing at the stage of admission on 25.11.2022.

MEMBER (A)

MEMBER (J)

C.P. No. 09/2021 in O.A. No. 70/2018
(Dadabhau T. Parte Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that as per the Rule 7 of the Administrative Tribunals (Contempt of Courts) Rules, 1996, the present Contempt Petition is required to be placed before the Hon'ble Vice Chairman of this Tribunal at Aurangabad.

3. In view of the same, the present matter may be placed before the Hon'ble Justice Shri P.R. Bora, Vice Chairman in accordance with law.

4. S.O. to 01.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2022
(Balu N. Bhosale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri S.S. Dambe, learned Advocate for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 3 and Shri D.B. Gaikwad, learned Advocate for respondent No. 2.

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

3. Learned Advocate for respondent No. 2 seeks time for filing affidavit in reply.

4. Learned Advocate for the applicant submits that the applicants do not wish to file rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 1 and 3

5. Considering the urgency involved in the matter, short time is granted to the respondent No. 2 for filing affidavit in reply.

6. S.O. to 02.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 253 OF 2022
(Nagnath Narayan Waste Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. The present Original Application is filed seeking direction to the respondent No. 2 to consider the request of the applicant for cadre transfer on the post of Clerk-Typist from the Driver cadre.

3. Learned Advocate for the applicant placed on record a copy of application dated 26.09.2022 along with Annexures made by the applicant seeking withdrawal of the present Original Application on the ground that his grievance is already redressed. The said application along with annexures are taken on record and marked as document 'X' collectively for the purpose of identification.

4. In view of above, permission to withdraw the O.A. is granted. Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 992 OF 2022
(Hanuman V. Funde Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. During the course of arguments on the point of interim relief, attention of the learned Advocate for the applicant was invited to the online application dated 19.12.2021 (Annexure A-11) submitted by the applicant to the MPSC after he became eligible for main examination. The applicant is seeking relief / benefit of G.R. dated 23.08.2021 (page No. 52 of the paper book), as he belongs to Orphan-C category. In the online application dated 19.12.2021 (Annexure A-11) in column regarding Orphan details against "Do you want to take advantage for reservation for Orphan reservation" the applicant has stated as "No". Meaning thereby at that point of time, the applicant did not wish to take benefit of category of Orphan provided under the G.R. dated 23.08.2021

//2//

O.A. No. 992/2022

(page No. 52 of the paper book). In this regard, there are no pleadings in the O.A.

3. Learned Advocate for the applicant submits that he will file appropriate affidavit on this aspect of the matter. It is to be seen as to whether there is suppression of material facts affecting the rights of the applicant seeking relief.

4. In the interest of justice, time is granted to the applicant for filing short affidavit on this aspect, if he so desires.

5. S.O. to 23.11.2022.

MEMBER (A)

MEMBER (J)

**M.A. St. No. 1914/2022 in O.A. St. No. 1915/2022
(Sanjay S. Waghmare & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Learned Advocate for the applicants seeks permission to delete the name of applicant Nos. 2 to 4 in O.A. with liberty to them to file appropriate proceeding before the appropriate forum. The office objection is that the cause of action for the applicant Nos. 2 to 4 did not arise within the jurisdiction of this Tribunal.

3. Hence, names of the applicant Nos. 2 to 4 are ordered to be deleted with liberty for them to file appropriate proceeding in accordance with law before the appropriate forum. The applicant shall carry out the necessary amendment in the O.A. forthwith.

4. In view of the same, the M.A. St. No. 1914/2022 taken out for sue-jointly does not survive and the same stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 1915 OF 2022
(Sanjay S. Wahmare Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. After necessary amendment, issue notices to the respondents, returnable on 21.12.2022.

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

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

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

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

7. S.O. to 21.12.2022.

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

MEMBER (A)

MEMBER (J)

**M.A.NO.41/2021 WITH M.A.ST.NO.89/2021 WITH
M.A.ST.NO.90/2021 IN O.A.ST.NO.91/2021
M.A.NO.42/2021 WITH M.A.ST.NO.66/2021 WITH
M.A.ST.NO.67/2021 IN O.A.ST.NO.68/2021
M.A.NO.65/2021 WITH M.A.ST.NO.271/2021 WITH
M.A.ST.NO.272/2021 IN O.A.ST.NO.274/2021
M.A.NO.92/2021 WITH M.A.ST.NO.244/2021 WITH
M.A.ST.NO.245/2021 IN O.A.ST.NO.241/2021
M.A.NO.93/2021 WITH M.A.ST.NO.248/2021 WITH
M.A.ST.NO.249/2021 IN O.A.ST.NO.246/2021
(Marathwada Van Va Samaji Vanikaran Rojandari Va
Kayam Kamgar Karmachari Va Sarva Shramik Sanghatana
through its General Secretary Vs. State of Maharashtra &
Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri Avishkar Shelke, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. At the request of learned Advocate for the applicants, S.O. to 20.12.2022 for filing rejoinder affidavit, if any in all these cases.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 709 OF 2017
(Ramesh M. Sonawane Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

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

3. S.O. to 16.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 307 OF 2017
(Rahul D. Sathe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, time is granted as a last chance for filing rejoinder affidavit, if any.

3. S.O. to 12.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 625 OF 2019
(Dattatrya N. Shastri Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

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

3. S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 308 OF 2020
(Ranjeet T. Bhorje Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Shri Ameya Sabnis, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 and 2. Shri M.B. Ubale, learned Advocate for respondent No. 3, **absent**.

2. As none present for the applicant, as a last chance, S.O. to 14.12.2022 for filing rejoinder affidavit by the applicant, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 619 OF 2022
(Archana T. Tribhuvan Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

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

3. S.O. to 16.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 735 OF 2022
(Vinodkumar B. Ambhore Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 16.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 740 OF 2022
(Shashikant N. Tidke Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri Tushar Shinde, learned Advocate for respondent No. 4.

2. At the request made on behalf of respondents, time is granted for filing affidavit in reply.
3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 876 OF 2022
(Dr. Pravinkumar Y. Thakare Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

**M.A. 31/20 with M.A. 15/20 in TA 10/18 (WP 1439/18)
(Nirmal T. Rakh & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit in M.A., if any.

3. S.O. to 12.12.2022.

MEMBER (A)

MEMBER (J)

**M.A. No. 85/2022 in O.A. St. No. 1790/2021
(Anil B. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.12.2022 for filing rejoinder affidavit in M.A., if any.

MEMBER (A)

MEMBER (J)

**M.A. No. 134/2022 in O.A. St. No. 1419/2021
(Chate S. Dhondiba Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Shri K.M. Nagarkar, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 15.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 14.11.2022

**M.A. No. 263/2022 in O.A. St. No. 986/2022
(Vankat R. Potdar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri B.G. Deshmukh, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.V. Ingle, learned Advocate for respondent No. 4.

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

3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

**M.A. No. 283/2022 in O.A. ST. No. 265/2022
(Gulab H. Imale Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri H.C. Puse, learned Advocate holding for Shri R.R. Imale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit in M.A.

3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 14.11.2022

M.A. No. 367/2022 in O.A. St. No. 1301/2022
(Digambar B. Dahe & ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 & 4 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 20.12.2022 for filing rejoinder affidavit in M.A., if any.

MEMBER (A)

MEMBER (J)

**M.A. No. 463/2022 in O.A. St. No. 1779/2022
(Mr. Chakardhar P. Wadje Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. Await service of notices on the respondents.
3. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 14.11.2022

ORAL ORDER :

Shri B.R. Kedar, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 256 OF 2017
(Rajendra R. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 14.11.2022

ORAL ORDER :

Heard S/shri G.R. Jadhav, learned Advocate holding for Shri A.S. Shelke, S.S. Shinde & V.G. Pingle, learned Advocates for the respective applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. By consent of both the sides, S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 817 OF 2017
(Dr. Vilas R. Musale Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 818 OF 2017
(Ashok M. Gaike Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 834 OF 2017
(Ganesh S. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri S.S. Dambe, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 19.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 12 OF 2018
(Khandu T. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri P.R. Kadam, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 30.11.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 39 OF 2018
(Ravi S. Wankhade Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 19.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 68 OF 2018
(Kishan D. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 74 OF 2018
(Bhagwan B. Chemate Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 273 OF 2018
(Ganesh D. Chavhan Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Shri Sandeep B. Sontakke, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri P.A. Salvi, learned Advocate for the respondent No.4, **absent**.

2. By consent of both the sides, S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 14.11.2022

ORAL ORDER :

Shri Y.P. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 428 OF 2018
(Sainath J. Korpakwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for the respondent No.1.

2. By consent of both the sides, S.O. to 05.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 695 OF 2018
(Prakash B. Phule Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 281 OF 2019
(Prasad B. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A. No. 376/2019 WITH O.A. No. 122/2018 WITH
O.A. No. 558/2018
(Manik T. Takalkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 14.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicants in all these O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. By consent of both the sides, S.O. to 02.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

Date : 14-11-2022

ORIGINAL APPLICTION NO.971/2022
(Avinash V. Solanke V/s State of Maharashtra & Ors.)

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

1. Shri J.B.Choudhary, learned Advocate for the applicant and Shri V.R.Bhumkar, ld. PO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 20.12.2022. The case be listed for admission hearing on **20.12.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/

Date : 14-11-2022

ORIGINAL APPLICTION NO.967/2022

(P.B.Dhorge V/s State of Maharashtra & Ors.)

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

1. Shri G.J.Kore, learned Advocate for the applicant and Smt. Sanjivani Ghate, Id. PO for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 21.12.2022. The case be listed for admission hearing on **21.12.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/

Date : 14-11-2022

ORIGINAL APPLICTION NO.968/2022

(Jilani A. Shaikh V/s State of Maharashtra & Ors.)

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

1. Shri G.J.Kore, learned Advocate for the applicant and Shri N.U.Yadav, ld. PO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 21.12.2022. The case be listed for admission hearing on **21.12.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/

Date : 14-11-2022

ORIGINAL APPLICATION NO.881/2022

(Vilas V. Sathe V/s State of Maharashtra & Ors.)

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

1. Shri G.J.Kore, learned Advocate for the applicant and Shri D.R.Patil, ld. PO for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 21.12.2022. The case be listed for admission hearing on **21.12.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/

Date : 14-11-2022

ORIGINAL APPLICTION NO.965/2022

(Prabhakar M. Kawathekar V/s State of Maharashtra & Ors.)

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

1. Shri G.J.Kore, learned Advocate for the applicant and Smt. M.S.Patni, ld. PO for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 21.12.2022. The case be listed for admission hearing on **21.12.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/

Date : 14-11-2022

ORIGINAL APPLICTION NO.969/2022

(Shaikh Rahim Shaikh Chand V/s State of Maharashtra & Ors.)

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

1. Shri G.J.Kore, learned Advocate for the applicant and Shri S.K.Shirse, ld. PO for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 21.12.2022. The case be listed for admission hearing on **21.12.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/

Date : 14-11-2022

ORIGINAL APPLICTION NO.880/2022

(Ajgar Ali M. Shaikh V/s State of Maharashtra & Ors.)

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

1. Shri G.J.Kore, learned Advocate for the applicant and Shri I.S.Thorat, ld. PO for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 21.12.2022. The case be listed for admission hearing on **21.12.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/

Date : 14-11-2022

ORIGINAL APPLICTION NO.966/2022

(Bhalchandra P.Dharurkar V/s State of Maharashtra & Ors.)

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

1. Shri G.J.Kore, learned Advocate for the applicant and Shri B.S.Deokar, ld. PO for respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 21.12.2022. The case be listed for admission hearing on **21.12.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

14.11.2022/yuk registrar notice/