

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single
Bench*

Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -14/12/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA796/21	Dhule	Adv Amol S Gandhi (Dinesh A Chavan)	Compassionate Appointment	15.01.2024	
2	OA440/22	P'rbn	Adv Shaikh Wajeed Ahmed (Khan Mohammed Arbaz Mohammed Kazim Khan)	Compassionate Appointment	<u>15.01.2024</u>	
3	OA81/23	A'bad	Adv K B Jadhav (Vaibhav D Wagh & Ors.)	Compassionate Appointment	<u>15.01.2024</u>	
4	OA166/23	A'bad	Adv Amruta Paranjape Menezes (Sunil R Kharat)	Transfer	16.01.2024	
5	OA170/23	A'bad	Adv Rushikesh Joshi <u>Adv Rushikesh Joshi has Filed Leave not From 05/12/2023 to 14/12/2023</u> (Balkrushna M Joshi)	Benefits of Modified Assured Progressive Scheme	23.01.2024	
6	OA251/23	A'bad	Adv Shaikh Mazhar A Jahagirdar (Ashok B Shejwal)	Compassionate Appointment	31.01.2024	
7	OA333/23	Beed	Adv A S Deshmukh (Bhagwan S Gitte)	Suspension	31.01.2024	

८	OA334/23	Jalgaon	Adv D B Thoke (Ramshing H Sulane)	Suspension	31.01.2024	
9	OA617/23	A'bad	Adv R N Bharaswadkar (Shubhangi R Bhoge)	Transfer	25.01.2024	
10	OA642/22	Beed	Adv Anant D Gadekar (Gopal M Waghmare)	Refund of Recovered Amount	12.01.2024	
11	OA650/23	Latur	Adv V D Gunale/ Adv K B Bhise (Gangadhar G Sontakke) <u>Adv K G Salunke For R-3</u>	Compassionate Appointment	25.01.2024	
12	OA672/23	Beed	Adv A A Khande (Ganpat U Radkar)	Recovery/ Refund of Amount	11.01.2024	
13	OA1012/23	Jalgaon	Adv R A Shinde (Mahendra S Sangle)	Police Patil	18.01.2024	
Order Matters						
98	MA188/22 In OA480/19	P'rbn	Adv Suchita Dhongde (Ashok G Puri)	M.A For Condonation of Delay	31.01.2024	
15	MA386/23 In OAS1372/2 3	O'bad	Adv S G Jadhavar (Rohit D Ghuge)	M.A For Condonation of Delay	18.01.2024	

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 14/12/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks
Urgent Admission Matters					
1	OA1046/23	Nanded	Adv.V.B. Dhage (Wasimakaran Hakim Shaikh)	Selection Process	15.01.2024
2	OAS2247/23	O'bad	Adv.S.A. Wakure (Kaka B Waghmare)	Selection Process	22.02.2024
3	OAS2251/23	A'bad	Adv.Arvind R Kawade (Kashinath L Pawar)	Removal From Service	22.02.2024
4	OAS2320/23	D'shiv	Adv.S.S. Jadhavar (Pradip M Chandanshive)	Departmental Enquiry/ Suspension/ Posting	16.02.2024
5	MASt2324/23 In OAS2325/23	Beed	Adv.C.V. Dharurkar (Pallavi S Karande & Ors.)	M.A. For Sue Jointly	
6	OA147/18 With	O'bad	Adv.Nagesh G Talekar/ Adv.Pankaj B Bharat (Dashrath G Shinde)	Promotion	Disposed of
7	OA148/18	O'bad	Adv. Nagesh G Talekar/ Adv.Pankaj B Bharat (Uttam E Mudiraj)	Promotion	Disposed of
8	MA566/23 In MA550/23 In OA996/23	A'bad	Adv.Sayyed Tauseef Yaseen In MA566/23 In OA996/23 (Tushar P Patil)	MA566/23 For I.R. MA550/23 For Intervention	

			Adv.R.R. Awhad/ Adv.Kalyan Patil In MA550/23 (Amol A Dhande & Ors.)			
Order Matters						
9	MA609/19 In OAS2372/19	A'bad	Adv.K.B. Jadhav (Radhabai K Kedare)	M.A. For Condoantion of Delay	16.01.2024	
10	MA145/23 In OA268/22	A'bad	Adv.Kalyan V Patil (Chandrashekhar K Mundhe & Ors.)	M.A. For Amendment	11.01.2024	
11	MA441/23 In OA659/21	Beed	Adv.M.S. Karad (Sushilkumar B Rakh)	M.A. For Interim Relief	08.01.2024	
12	MA442/23 In OA661/21	Beed	Adv.M.S. Karad (Ganesh R Sanap)	M.A. For Interim Relief	08.01.2024	
13	MA443/23 In OA183/22	Beed	Adv.M.S. Karad (Ashok M Jaybhaye & Ors.)	M.A. For Interim Relief	08.01.2024	
14	MA444/23 In OA185/22	Beed	Adv.M.S. Karad (Ramdas B Sanap & Ors.)	M.A. For Interim Relief	08.01.2024	
15	MA445/23 In OA186/22	Beed	Adv.M.S. Karad (Ganesh V Darade & Ors.)	M.A. For Interim Relief	08.01.2024	
16	MASt2166/23 In MA542/22 with MA261/22 With MA257/22 In OA447/22	A'bad	Adv.Mohit R Deshmukh In MAST2166/23 (Dr. Sanjay K Muley & Ors.) Adv.S.S. Thombre In MA542/22 (Dr.Shivshakti D Pawar)	MASt2166/23 For Direction M.A. For Intervention in MA542/22 M.A. For Vacating I.R. in MA261/22	08.01.2024	

			<p>Adv.R.R. Kale/Adv.S.B. Bhosale In MA261/22 & MA257/22 (Dr.Pratap M Shinde & Ors.)</p> <p><u>Adv.Mohit Deshmukh in OA447/22</u> (Dr. Sanjay K Muley & Ors.)</p> <p><u>Adv.S.K. Kadam for R.No.2 in OA</u> <u>Adv.Satyajeet S Dixit/Adv.V Sajith Kumar for R.No.3 in OA</u></p>	M.A. For Intervention in MA257/22	
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Due Admission Matters						
17	OA1149/22	Latur	Adv.V.R. Kalyankar/ Adv.P.P. Dama (Dileep M Devkate)	Seniority List	<u>03.01.2024</u>	
18	OA311/19	Dhule	Adv.C.V. Dharurakar (Rekha I Manikhedkar)	Selection/ Appointment	11.01.2024	
19	OA448/19	A'bad	Adv.S.D. Kotkar (Anil T Patil & Ors.)	Challenging G.R.	05.03.2024	
20	OA625/19	Nanded	Adv.M.D. Narwadkar (Dattatrya N Shastri)	Selection	05.03.2024	
21	OA1029/19	Nanded	Adv.M.S. Chaudhari (Suraj S Bavat) <u>Adv.V.B. Wagh for R.No.4</u>	Absorption/ Appointment	03.01.2024	
22	OA93/20	A'bad	Adv.M.S. Choudhari (Jayshree S Tusamkar)	Promotion	31.01.2024	
23	OA40/20	A'bad	Adv.R.J. Nirmal (Shankar P Dange)	Promotion/ Appointment	06.03.2024	

24	OA412/20	Nanded	Adv.Avinash S Deshmukh (Omprakash H Kothari) <u>Adv.S.B. Patil for</u> <u>R.Nos.2 & 4</u> <u>Adv.S.B. Patil has Filed</u> <u>Leave Note On</u> <u>14.12.2023</u>	Departmental Enquiry	10.01.2024	
25	OA426/20	A'bad	Adv.A.S. Deshmukh (Sunil S Pagare)	Termination	10.01.2024	
26	OA427/20	Beed	Adv.A.S. Deshmukh (Rahul B Chaudhare)	Termination	10.01.2024	
27	OA12/21	A'bad	Adv.M.S. Choudhari (Smt. Sadat Begum Afifoddin Siddique)	Promotion	31.01.2024	
28	OA195/21	Dhule	Adv.V.B. Wagh (Gopal S Patil)	Seniority List / Promotion	05.02.2024	
29	OA266/21	Latur	Adv.V.B. Wagh (Laxmi N Dhotre)	Departmental Enquiry	05.02.2024	
30	OA497/21	A'nagar	Adv.V.B. Wagh (Nitin S Shelar)	Preliminary Enquiry	08.02.2024	
31	OA658/21 with	Beed	Adv.M.S Karad (Sayyed Taufik Harun)	Appointment	08.01.2024	
32	OA660/21 with	Beed	Adv.M.S. Karad (Vaibhav S Gaikwad)	Appointment		
33	OA182/22 with	Beed	Adv.M.S. Karad (Laxman M Misal & Ors.)	Appointment		
34	OA184/22 with	Beed	Adv.M.S. Karad (Nagesh N Kharat & Ors.)	Appointment		
35	OA187/22 with	Beed	Adv.M.S. Karad (Sujoyot S Bhandari & Ors.)	Appointment		

36	OA391/22 with	Beed	Adv.M.S. Karad (Akash G Garje)	Appointment	08.01.2024	
37	OA428/22 with	Beed	Adv.M.S. Karad (Ravi N Khade & Ors.)	Appointment		
38	OA429/22	Beed	Adv.M.S. Karad (Ramesh S Ghubade & Ors.)	Appointment		
39	OA785/21	Latur	Adv.G.K. Muneshwar (Ashok N Godbole)	Promotion	11.03.2024	
40	OA01/22	A'bad	Adv.K.G. Salunke (Vishnu B More)	Promotion	12.01.2024	
41	OA02/22	Jalna	Adv.K.G. Salunke (Shantilal D Hiwarale)	Promotion	12.01.2024	
42	OA62/22	Beed	Adv.Avinash S Khedkar (Sanjay N Hange)	Show Cause Notices/ Departmental Enquiry	23.01.2024	
43	OA90/22	Nanded	Adv.Sudhir K Chavan (Dr. Pravin K Munde)	Qualification/ Eligibility	11.03.2024	
44	OA104/22	A'bad	Adv.R.N. Bharaswadkar (Bhagwan N Ugalmugale)	Termination (Freedom Fighters)	15.01.2024	
45	OA149/22	A'nagar	Adv.V.B. Wagh (Sulochana P Patare)	Departmental Enquiry/ Promotion	04.03.2024	
46	OA177/22	A'bad	Adv.J.S. Deshmukh (Dr.Pravin K Dhakne) <u>Adv.Vaishali Shinde for R.No.4</u>	Condonation of Technical Break/ Increment	02.01.2024	
47	OA244/22	A'bad	Adv.M.R. Kulkarni (Maharashtra State Gazetted Medical Officer Association through its President DR. Arun B Koli)	Condonation of Technical Break/ Annual Increments	23.01.2024	

48	OA252/22	Beed	Adv.K.G. Salunke (Dr. Sudhir V Bhise)	Condone the Technical Break	02.01.2024	
49	OA426/22	Nanded	Adv.B.G. Deshmukh (Urmila S Phule @ Urmila P Narwade)	Selection Process/ Merit List	07.02.2024	
50	OA525/22	Dhule	Adv.Dhananjay Mane (Somnath B Satbhai)	Interview	11.01.2024	
51	OA932/22	O'bad	Adv.K.G. Salunke (Rahul K Gaikwad)	Major Punishment	01.02.2024	
52	OA933/22	O'bad	Adv.K.G. Salunke (Manisha S Shinde)	Major Punishment	01.02.2024	
53	OA981/22	A'bad	Adv.Zahed Ali Syed (Dr.Imran Haroon Mohammad)	Appointment	12.01.2024	
54	OA387/23	N'bar	Adv.V.B. Wagh (Sachin M Landge)	Show Cause Notice/ Reversion	12.01.2024	
55	OA879/23	Nanded	Adv.R.N. Bharaswadkar (Vinod H Rampure)	Selection Process	12.01.2024	
Final Hearing Matters						
56	OA117/17	Jalna	Adv.S.D. Dhongde (Changdev N Dhawale)	Promotion	18.01.2024	
57	OA428/18	Nanded	Adv.V.B. Wagh (Sainath J Korpakwad & Ors.) <u>Adv.S.B. Mene for</u> <u>R.No.1</u>	Fixation of Pay & Consequential Benefits	19.01.2024	

58	OA472/18	Jalna	Adv.Kakasaheb Jadhav (Kishor G Lalsare)	Dismissal	18.01.2024	
59	OA666/18	Jalna	Adv.Vivek Pingle (Laxmi S Gadge)	Promotion	19.01.2024	
60	OA293/19	A'nagar	Adv.V.B. Wagh (Babasaheb S Pagare)	Departmental Enquiry	19.01.2024	
61	OA410/19	A'bad	Adv.Ajay Deshpande (Santosh R Jagdale) <u>Adv.M.R. Kulkarni For R.No.2</u>	Appointment	15.01.2024	
62	OA792/19	Beed	Adv.Prashant D Suryawanshi (Datta Prasad Hiraman Galphade) <u>Adv.V.B. Wagh for R.No.3</u>	Selection	18.01.2024	
63	OA28/20	Beed	Adv.K.G. Salunke (Anil P Salve)	Promotion	10.01.2024	
64	OA79/20	A'bad	Adv.M.R. Kulkarni (Dr.Naser Ahmed Razvi S Zahiruddin)	Challenging G.R.	21.01.2024	
65	MA230/20 In OA325/20	Nashik	Adv.K.G. Salunke (Sandip B Thakur)	M.A. For I.R.	29.01.2024	
66	OA332/21	Beed	Adv.S.T. Chalikwar (Suraj B Mundhe)	Appointment on Compassionate Ground	03.01.2024	

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Divison Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date: -14/12/2023

Suplimentary Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks
Circulation Matter					
1	OA290/22	Jalna	Adv.S.N. Lute (Aasif Kalekhan Parsuwale) <u>Adv.R.N. Gore For R.No.4</u>	Appointment	18.12.2024

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Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -14/12/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks
1	CP02/23 In OA1099/19	O'bad	Adv D N Kakade (Ramraje G Pawar)	Contempt Petition	29.01.2024
2	CP07/23 In OA535/19	Dhule	Adv.D.R. Irale Patil (Nitin D Ingle)	Contempt Petition	<u>18.01.2024</u>
3	CP29/23 In OA876/16	A'nagar	Adv M S Bhosale (Anirudha R Govhane)	Contempt Petition	29.01.2024
4	OA569/22	Nanded	Adv.B.G. Deshmukh (Aniruddha N Jondhale)	Reversion	<u>15.01.2024</u>
5	OA628/22	O'bad	Adv A G Ambetkar (Sunil C Ahire) <u>Adv Pradeep T Patil For R-5</u>	Interview	22.01.2024
6	OA878/22	Beed	Adv.M.S. Karad	Appointment	08.01.2024

			(Dattatray A Galgate)			
7	OA907/22	Beed	Adv.M.S. Karad (Ajay S Rathod & Ors.)	Appointment	08.01.2024	
8	OA908/22	Beed	Adv.M.S. Karad (Chandrakant K Sanap & Ors.)	Appointment	08.01.2024	
9	OA909/22	Beed	Adv.M.S. Karad (Rahul Y Pawal & Ors.)	Appointment		
10	OA910/22	Beed	Adv.M.S. Karad (Pankaj R Rathod & Ors.)	Appointment		
11	OA911/22	Beed	Adv.M.S. Karad (Dipak D Sanap & Ors.)	Appointment		
12	OA912/22	Beed	Adv M S Karad (Yuvraj N Rakh)	Appoointmen t		
13	OA1101/22	Beed	Adv.M.S. Karad (Dipak S Sanap & Ors.)	Appointment		
14	OA1103/22	Beed	Adv.M.S. Karad (Satish B Bhavar & Ors.)	Appointment		
15	OA1104/22	Beed	Adv.M.S. Karad (Vishwanath B Nagargoje & Ors.)	Appointment		
16	OA1105/22	Beed	Adv.M.S. Karad (Sanjaykumar V Sanap & Ors.)	Appointment		
17	OA986/22	Beed	Adv.M.S. Karad (Avinash A Rakh)	Selection/ Appointment		
18	OA998/22	Beed	Adv.M.S. Karad (Hanuman A Baglane & Ors.)	Selection/ Appointment		

19	OA1054/22	Beed	Adv M S Karad (Yogesh A Bangar & Ors.)	The Experience Certificate/ Appointment	08.01.2024
20	OA1076/22	Beed	Adv.M.S. Karad (Dnyaneshwar V Parjane & Ors.)	The Seasonal Experience Certificate/ Appointment	
21	OA167/23	Beed	Adv M S Karad (Kailas B Shinde)	Appointment	
२२	OA985/22	Beed	Adv.M.S. Karad (Vitthal H Wanve)	Selection/ Appointment	
23	OA1077/22	Beed	Adv.M.S. Karad (Ganesh D Nagargoje & Ors.)	The Experience Certificate/ Appointment	
24	OA1078/22	Beed	Adv M S Karad (Vikas N Khedkar & Ors.)	The Experience Certificate/ Appointment	
25	OA63/23	Beed	Adv M.S. Karad (Sanjay G Mahske)	Appointment	
26	OA705/22	Beed	Adv M S Karad (Amol V Sanap)	Selection Process	
27	OA707/22	Beed	Adv M S Karad (Jay B Chavan)	Appointment	
28	OA958/22	P'bhani	Adv.S.S. Thombre (Vasant S Tupkari)	Termination	23.01.2024
29	OA988/22	Jalna	Adv.J.S. Deshmukh (DR. Nitinkumar B Shah)	Eligibility/ Appointment	<u>23.01.2024</u>
30	OA1092/22	A'bad	Adv.Mohit Deshmukh (Satish S Gadve & Ors.)	Challenging Notification	15.01.2024
31	OA1159/22	Latur	Adv S L Bhapkar (Ravindra G Lagdive)	Select List	17.01.2024
३२	OA58/23	A'nagar	Adv K J Suryawanshi (Dr. Rajendra V	Extension of Age	08.01.2024

			Shinde)			
33	OA364/23	O'bad	Adv A S Bayas (Dilip R Adatrao)	Selection Process	22.02.2024	
34	OA365/23	Latur	Adv Avinash S Deshmukh (Trupti V Andhare) <u>Sachin Deshmukh For R-3 to R-7</u>	Challenging Rules	15.01.2024	
35	OA628/23	Jalgaon	Adv J S Deshmukh (Dr. Rajesh S Jain)	Service Benefit	17.01.2024	
36	OA660/23	A'bad	Adv Pavan P Uttarwar (Dnyaneshwar R Chowdhar)	Selection Process	12.01.2024	
37	OA661/23	N'bar	Adv A M Hajare <u>Adv A M Hajare has Filed Leave not From 14/12/2023 to 19/12/2023</u> (Vijaysing K Wagh)	Departmental Enquiry	02.02.2024	
38	OA756/23	Beed	Adv Vishal S Kadam (Satish K Jagtap)	Cancellation of Appointment	18.01.2024	
39	OA828/23	Beed	Adv Pooja S Mundhe (Dadasaheb S Aandhale)	Seniority List	12.01.2024	
40	OA863/23	Nanded	Adv Pavan P Uttarwar (Almodding Babu Shaikh & Ors.)	Selection Process	12.01.2024	
41	OA878/23	Nanded	Adv.R.N. Bharaswadkar (Avdhut S Waghmode)	Selection Process	12.01.2024	
42	OA885/23	Nanded	Adv Nagesh Talekar (Mokhedi V Swami)	Selection Process	12.01.2024	
४३	OA927/23	Jalgaon	Adv Ganesh V Mohekar/ Adv S S Phatale (Dr. Yogesh M Savale)	Selection Process	15.01.2024	

88	OA1022/23	Nanded	Adv B R Kedar (Dr. Yogendra G Yeotikar)	Selection Process	08.01.2024	
Order Matters						
45	MA357/23 In OA06/23	Dhule	C P O Mat A'bad (The State of Maharashtra & Ors.) Adv V B Wagh In OA 06/23 (Pandurang G Lomole)	M.A For Modification of Interim Order	19.01.2024	

ORIGINAL APPLICATION NO. 835 OF 2023
(Bhanudas Dnyanoba Avhad Vs. State of Maharashtra &
Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 02.02.2024.

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

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

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

//2// O.A. 835/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 02.02.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1052 OF 2023
(Shrimant Ashok Patil Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Smt. M.A. Kulkarni, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. In view of liberty granted to the applicant by the Hon'ble High Court by order dated 28.11.2023 passed in Writ Petition No. 13437/2023, issue notice to respondents, returnable on 17.01.2024.

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

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

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

//2// O.A. 1052/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 17.01.2024.

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

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1973 OF 2023
(Dr. Shilpa N. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, is **absent**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.

3. There is no compliance of office objection. In view same list the matter for passing order on 03.01.2024.

MEMBER (J)

Later On:-

4. Shri S.D. Joshi, learned counsel for the applicant is present.

5. S.O. to 03.01.2024.

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 2314 OF 2023
(Venkatrao K. Mutyal Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Smt. M.A. Kulkarni, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.12.2023.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

**M.A.NO. 70 OF 2022 IN O.A.ST.NO. 1830 OF 2021
(Uttam C. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Shri R.A. Shinde, learned counsel holding for Shri U.B. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 31.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

ORIGINAL APPLICATION NO. 334 OF 2023
(Ramshing H. Sulane Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri R.A. Shinde, learned counsel holding for Shri D.B. Thoke, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notice upon respondents.
3. At the request of learned counsel for the applicant, S.O. to 31.01.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1012 OF 2023
(Mahendra S. Sangle Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Shri R.A. Shinde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 18.01.2024.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

ORIGINAL APPLICATION NO. 155 OF 2023
(Avinash V. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 02.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2023
(Dr. Utkarsh B. Wankhede Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the present O.A. and O.A. No. 760/2023 be listed on the same date i.e. on 15.01.2024.

3. S.O. to 15.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 297 OF 2023
(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

None present for respondent No.4.

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

3. S.O. to 23.01.2024 for filing rejoinder/for hearing.

MEMBER (J)

**M.A.NO. 588 OF 2019 IN O.A.ST.NO. 2292 OF 2019
(Vyankat L. Nilawar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri V.S. Kadam, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. This is an application filed by the applicant seeking condonation of delay caused in filing the accompanying Original Application.

3. It appears that there is delay of about 408 days i.e. 1 year, 1 month and 12 days in filing the accompanying O.A.

4. Learned counsel for the applicant submits that the applicant had approached to this Tribunal by filing Original Application No. 898/2016 for the reason that though the Departmental Promotion Committee in its meeting dated 19.10.2010 selected the applicant and other suitable candidates for promotion, however, no decision was taken till 26.07.2012. On that date the In-charge Director has issued letter calling for the options of the selected employees for various posts. However, in

//2// M.A. 588/2019 In
O.A.St. 2292/2019

the meantime the applicant was superannuated on 31.07.2012. By order dated 10.08.2017 this Tribunal has disposed of the aforesaid O.A.No. 898/2016 with direction to respondent No.1 therein to decide the proposal sent by respondent No. 2 on 19.03.2016 within a period of four month.

5. Leaned counsel for the applicant further pointed out that by order dated 12.10.2027 the said proposal was decided. The applicant thus has approached to this Tribunal against the said order dated 12.10.2017 by filing Original Application which is delayed for aforesaid period.

6. Learned counsel for the applicant submits that the delay is not intentional but is purely circumstantial. The applicant is suffering from Blood Pressure and Diabetes for which he is required to visit regularly to doctors and for that reason he could not travel a long distance. Further, after retirement, the applicant came to be shifted from Aurangabad to Nanded due to health issue and thus it was difficult for the applicant to travel. Therefore the delay has been caused.

//3// M.A. 588/2019 In
O.A.St. 2292/2019

7. Learned P.O. for the respondents strongly resisted the application and submitted that the delay has not been satisfactorily explained. There is an inordinate delay. Hence, the Misc. Application is liable to be rejected.

8. It appears that the applicant is fighting for the cause since long. Though this Tribunal way back in the year 2017 has directed the respondents herein to decide the proposal dated 19.03.2016 within a period of four months, it was decided by an order dated 12.10.2017. It further appears that meanwhile the applicant came to be shifted from Aurangabad to Nanded due to old age ailments. Thus, the delay caused is not intentional one and considering the longer period of litigation, it cannot be said that there is inaction on the part of the applicant. In view of same, I am inclined to condone the delay. Hence, the following order:-

ORDER

- (i) M.A. No. 588/2019 is allowed.
- (ii) The delay of 408 days caused in filing the accompanying O.A. is hereby condoned.

//4// M.A. 588/2019 In
O.A.St. 2292/2019

- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) There shall be no order as to costs.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

ORIGINAL APPLICATION ST.NO. 2292 OF 2019
(Vyankat Lalba Nilawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri V.S. Kadam, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 05.02.2024.

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

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

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

//2// O.A.St. 2292/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 05.02.2024.

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

MEMBER (J)

**M.A.NO. 604 OF 2019 IN O.A.ST.NO. 2158 OF 2019
(Venkat S. Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 31.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

**ORIGINAL APPLICATION NO. 705 OF 2021
(Balwant S. Mukhade Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

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

2. The present matter is already part heard.

3. At the request of learned P.O., S.O. to 11.01.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 290 OF 2023
(Popat L. Bale Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel for respondent No.2, are present.

2. At the request of learned P.O., S.O. to 02.01.2024 for filing affidavit in reply as a last chance.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

ORIGINAL APPLICATION NO. 166 OF 2023
(Sunil R. Kharat Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Smt. Amruta Paranjape- Menezes, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits across the bar the affidavit in sur-rejoinder on behalf of all the respondents. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant before the Tribunal today itself.

3. In view of same, pleadings are complete. List the matter for admission hearing on 16.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 617 OF 2023
(Shubhangi R. Bhoge Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 25.01.2024 for filing affidavit in reply on behalf of remaining respondents.

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

MEMBER (J)

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

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue fresh notice to respondent Nos. 1 & 3, returnable on 31.01.2024
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 333/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 31.01.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2023
(Ashok B. Shejwal Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri Shaikh Mazhar A. Jahagirdar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits across the bar the affidavit in rejoinder on behalf of applicant. The same is taken on record and copy thereof is given to learned P.O.

3. In view of same, pleadings are complete. List the matter for admission hearing on 31.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 214 OF 2022
(Balasaheb A. Awdhut Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri Pankaj Raibole, learned counsel holding for Shri Avinash Khedkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 31.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 144 OF 2021
(Vitthal T. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 319 OF 2021
(Netaji G. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application.

3. Leave as prayed for is granted.

4. In view of above, the Original Application is disposed of as withdrawn. No costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 578 OF 2016
(C.H. Dongaonkar Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.12.2023 for final hearing.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

**O.A.NOS. 543/2019, 806/2022, 845/2022,
369/2021, 10/2022, 262/2022, 269/2022,
366/2022, 438/2022, 648/2022, 649/2022,
783/2022, 864/2022, 972/2022, 1089/2022, T.A.
12/2023 (W.P. 6494/2022), 33/2023, 214/2023,
427/2019, 39/2022, 44/2022, 99/2022, 173/2022,
273/2022 AND 81/2023
(Shivprasad C. Potpaliwar & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Heard S/Shri G.G. Karnik, learned counsel holding for Shri G.R. Jadhav, M.K. Bhosale, S.D. Joshi, A.D. S.B. Choudhari, Aghav, Smt. Suchita Dhongde, A.S. Shelke, K.B. Jadhav, V.G. Pingle, H.P. Jadhav, Smt. Vidya A. Taksal, R.P. Adgaonkar, A.V. Thombre holding for Shri S.S. Thombre, S.D. Dhongde, V.B. Dhage, Subhash Chilarge, V.P. Kadam, respective learned counsel for the applicants in respective matters, S/Shri B.S. Deokar, I.S. Thorat, Smt. M.S. Patni, Smt. Deepali S. Deshpande, D.R. Patil, N.U. Yadav, respective learned Presenting Officers for the respective respondents in respective matters and Shri S.B. Mene, learned counsel for respondent No. 2 & 3 in O.A. 543/2019 & O.A. 262/2022 & for respondent Nos. 3 & 4 in O.A. 783/2022 and Shri M.P. Gude,

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learned counsel for respondent No. 1 & 3 in O.A. 269/2022.

2. By order dated 01.12.2023 this Tribunal in O.A. Nos. 648/2022, 649/2022, 864/2022 and 81/2023 has referred to the reported judgment of the Division Bench of Hon'ble High Court of Bombay in the case **Dnyaneshwar S/o Ramkishan Musane Vs. the State of Maharashtra & Ors. reported in 2020 (3) ALL MR 550.** In the light of the observations made in the above said order and further referring the G.R. dated 21.09.2017, directed the learned P.O. to take specific instructions from the General Administration Department with regard to the deletion of the aforesaid restriction which is the part of the G.R. dated 20.05.2015 in terms of the observation and direction given by the Hon'ble Division Bench of Bombay High Court in the case **Dnyaneshwar S/o Ramkishan Musane Vs. the State of Maharashtra & Ors. (supra).**

3. Learned P.O. appearing for respondents in all these matters seeks time on the ground that at present Assembly Session is going on and as such,

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General Administration Department staff is busy in
Assembly Session.

4. In view of above, S.O. to 15.01.2024.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

**ORIGINAL APPLICATION NO. 665 OF 2021
(Shankar S. Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits the short affidavit of the applicant along with the copy of representation dated 09.08.2023. The same is taken on record and copy thereof is given to learned P.O.

3. Learned counsel for the applicant has submitted that the applicant has submitted the said representation dated 09.08.2023 to revoke the suspension order but no decision was taken by the sole respondent and additional charge of the post of Police Patil was given to another Police Patil of village Wadod.

4. It appears that the applicant is under suspension since 12.10.2021 under the order issued by sole respondent under Order 6 of Maharashtra Village Police Patiles (Recruitment, Pay, Allowances and other Conditions of Service) Order, 1968 by way

//2//

O.A. 665/2021

of punishment and that period is now expired on 12.10.2022.

5. Admittedly the applicant has not preferred an appeal in terms of order No. 10 of the said Maharashtra Village Police Patiles (Recruitment, Pay, Allowances and other Conditions of Service) Order, 1968.

6. In view of same, even if any representation is preferred before the concerned authority that may not be helpful for the applicant for revocation of the suspension order since the order of suspension was passed as a punishment in term of Order 9 of the aforesaid Order 1968. However, the stigma would remain as against the applicant and further the said period of suspension will not be regularized for any other purposes if the said order attains finality without approaching the appellate authority.

7. In view of same, in the event if the applicant approaches the appellate authority against the punishment of suspension within four weeks from today, then the appellate authority may consider the period spent on pursuing the

//3//

O.A. 665/2021

present Original Application before the Tribunal in terms of the principle of Section 14 of Limitation Act. Meanwhile sole respondent can decide the representation dated 09.08.2023 submitted by the applicant.

8. In view of the observations as above, the Original Application is accordingly disposed of. No costs.

MEMBER (J)

ORAL ORDER 14.12.2023 sas

M.A. No. 386/2023 in O.A. St. No. 1372/2023
(Rohit D. Ghuge & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.G. Jadhavar, learned counsel for the applicants (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1, 2, 3 & 5 in M.A. Same is taken on record along with spare copy for the applicants.

3. List the matter for hearing on 18.01.2024.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 672 OF 2023
(Ganpat U. Radkar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri A.A. Khande, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

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 11.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 363 OF 2022
(Ranjit P. Ratnaparkhe Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri N.T. Tribhuwan, learned counsel for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 29.01.2024 for final hearing.

MEMBER (J)

**M.A. No. 338/2021 in O.A. St. No. 1455/2021
(Amol P. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

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

2. Leave to carry out amendment in the M.A. as requested by learned counsel for the applicant.

3. S.O. to 31.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

M.A. No. 289/2022 in O.A. St. No. 1064/2022
(Vijay G. Palaskar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri P.V. Ambade, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 09.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

M.A. No. 86/2023 in O.A. St. No. 347/2023
(Nana Tanga Ware Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply to the M.A. seeking condonation of delay. Time granted as last chance.

3. S.O. to 31.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 348 OF 2021
(Balaji M. Ghulekar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri M.V. Thorat, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 04.01.2024 for passing necessary order.

MEMBER (J)

ORIGINAL APPLICATION NO. 576 OF 2021
(Atmaram M. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 21.12.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

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

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

DATE : 14.12.2023

ORAL ORDER :

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

2. S.O. to 24.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 338 OF 2022
(Khwaja Munneruddin Mohammad Naseeruddin Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri I.D. Maniyar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 1059 OF 2022
(Jaiprakash B. Ramanand Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri V.B. Patil, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 08.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1066 OF 2022
(Govind B. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri P.S. Dighe, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 30.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1073 OF 2022
(Gajanan S. Bachipale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. S.O. to 19.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 1140 OF 2022
(Rameshwar A. Harbhare Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri A.S. Shelke, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 08.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 197 OF 2023
(Dnyanoba L. Dahiphale Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 08.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 683 OF 2023
(Sachin A. Gade Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, as a last chance, S.O. to 21.12.2023 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 277 OF 2017
(Shaikh Mehboob Abdul Kareem Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 04.01.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 sand 3, are present.

2. S.O. to 18.12.2023 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 255 OF 2019
(Subhash D. Thale Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 06.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 405 OF 2019
(Shishupal S. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 06.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 907 OF 2019
(Dr. Namdeo V. Korde Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present. Shri C.V. Dharurkar, learned counsel for respondent No. 6, is **absent**.

2. S.O. to 10.01.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 929 OF 2019
(Shaikh Mohd. Rafi Shaikh Mohammad Shafi Vs. State of
Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.D. Joshi, 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 counsel for the applicant, as a last chance, S.O. to 30.01.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1070 OF 2019
(Suryabhan B. Nagre Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri V.G. Salgare/P.B. Salunke, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present. Shri U.S. Mote, learned counsel for respondent No. 3, is **absent**.

2. As none present for the applicant, S.O. to 06.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 87 OF 2020
(Rajendra B. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks time to place on record certain documents, which are necessary for just disposal of the present Original Application. Leave granted. The applicant to submit documents, if any along with list of documents.

3. Part heard.

4. S.O. to 22.01.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2020
(Sandu R. Magar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer seeks time to take instructions with regard to the communication dated 10.02.2022 from Division Forest Officer, Social Forestry, Beed to the Deputy Collector (EGS), Collector Office, Beed. Time granted.

3. Part heard.

4. S.O. to 23.01.2024, as a last chance for further hearing.

MEMBER (J)

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

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

DATE : 14.12.2023

ORAL ORDER :

Smt. Vidya Taksal, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

Shri U.B. Bondar, learned counsel for respondent No. 3 and Shri R.V. Naiknaware, learned counsel for respondent No. 5, are **absent**.

2. Learned counsel for the applicant submits that after filing of the present Original Application, the applicant has received entire arrears of pension and other retiral benefits. In view of the same, claim of the applicant is only restricted to grant of interest on the delayed payment.

3. Learned counsel for respondent Nos. 3 & 5 are absent, when the matter is called out. Learned P.O. submits that they are contesting respondents.

4. S.O. to 19.01.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2020
(Anita R. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. S.O. to 22.12.2023 for final hearing.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 545 OF 2020
(Dayanand U. Rajgire Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri A.B. Rajkar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for orders.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 206 OF 2021
(Deepak B. Aher & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicants (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 08.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 362 OF 2021
(Usha A. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 09.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 263 OF 2022
(Bhaskar D. Hire Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.01.2024 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 19 OF 2023
(Dr. Ajit P. Thorbole Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 20 OF 2023
(Nanasaheb S. Agale Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicants in both the O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in both the O.As..

2. Learned counsel for the applicants submits that in view of the interim stay granted by this Tribunal, the impugned order of suspension has been stayed and in consequence thereof, at present the applicants are given posting.

3. Learned counsel for the applicants seeks time to take specific instructions as to whether both the applicants, who are serving in the same department want to prosecute the present Original Applications filed by them or not. Time granted.

4. S.O. to 06.02.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 339 OF 2023
(Pradyumnkumar P. Gosavi Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The present matter is disposed with the consent of both the sides.

3. The applicant is seeking directions to the respondents to decide his representation dated 01.02.2021 (Annexure A-1), whereby his grant of one notional increment due on completion of one year's service as on 30.06.2012 i.e. is admissible on 01.07.2012.

4. The applicant due to his retirement on superannuation w.e.f. 30.06.2012; is entitled for the said benefit in terms of the G.R. dated 28.06.2023. Learned counsel for the applicant submits that though the grievance of the applicant is resolved by the department, however actual monetary benefits are not yet granted to the applicant.

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O.A. No. 339/2023

5. Learned Presenting Officer submits that in short affidavit in reply filed on behalf of respondent Nos. 1 and 2, in para No. 6 it is stated as follows :-

“06. I say and submit that, in view of above set of facts the respondents are going to pay one notional increment to the applicant and thereafter revised pensionary benefits to the applicant as per above mentioned G.R. dated 28.06.2023 and it is under process. Therefore, the claim made by the applicant is already fulfilled by the respondent authority and nothing remains in the present Original Application. Therefore, in the light of aforesaid facts and circumstances, the Original Application filed by applicant is required to be disposed of.”

6. Learned Presenting Officer has also brought to the notice of this Tribunal that in terms of the communication dated 02.08.2023 between respondent No. 2 herein and the Soil and Conservation Officer, Directorate of Research and Development of Irrigation, Pune, the department has accepted the claim of the applicant.

7. Learned Presenting Officer on instructions submits that by the order dated 27.09.2023 i.e. after filing of the affidavit in reply on behalf of respondent Nos. 1 and 2, the calculation of the monetary

//3//

O.A. No. 339/2023

benefits has been done in terms of the said G.R. dated 28.06.2023 and the same will be paid to the applicant forthwith. He has placed on record a copy of the said order dated 27.09.2023. Same is taken on record and marked as document 'X' for identification.

8. In view of the same, nothing survives in the present Original Application. In the event, if the said monetary benefits are not paid to the applicant in terms of the said G.R. dated 28.06.2023, the respondents are hereby directed to pay the said benefits as expeditiously as possible preferably within a period of 08 weeks from the date of this order.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 584 OF 2021
(Malti A. Kharikar wife of Deceased Arunkumar N. Khairkar Vs.
State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by the office order dated 21.09.2023, the respondent No. 2 has granted all the retiral benefits to the widow of Government servant i.e. the present applicant and as such, nothing survives in the present Original Application.

3. Learned counsel for the applicant submits that there are no specific instructions from the applicant as to whether the retiral benefits are received or not, but in terms of the aforesaid order, the department is bound to pay the retiral benefits to the widow of the Government servant.

4. Learned Presenting Officer has also agreed for the same.

//2//

O.A. No. 584/2021

5. In the event, if the said retiral benefits are yet not paid to the applicant, the respondent No. 2 is hereby directed to pay the retiral benefits in terms of the said order dated 21.09.2022 to the applicant (widow of the Government servant) as expeditiously as possible preferably within a period of 08 weeks from the date of this order.

6. In view of above, since nothing survives in the present Original Application, the same is disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 585 OF 2020
(Anand B. Datar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)
DATE : 14.12.2023

ORAL ORDER :

Heard Smt. Viday Taksal, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has placed on record a copy of appointment order of the applicant along with list of document and tried to canvas that the respondent No. 3 i.e. the Sub-Divisional Officer, Collector Office, Hingoli, who has passed the suspension order is not the competent authority. Said document is taken on record.

3. It appears from the reply of the respondents that the applicant has submitted an application dated 28.09.2020 for salary during his suspension period. Even though the said proposal has been forwarded, there is no reply as to what happen to the said proposal.

4. Learned P.O. is hereby directed to take specific instructions from the concerned respondent/s on the next date of hearing.

5. S.O. to 16.01.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 122 OF 2020 with
Caveat No. 06/2020
(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Shri A.B. Girase, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, Shri S.D. Dhongde, learned counsel for caveator/ respondent No. 4, are present. Shri N.N. Desale, learned counsel for respondent No. 5, is **absent**.

2. Learned Presenting Officer has brought to notice of this Tribunal that Shri A.B. Girase, is now appointed as Government Pleader.

3. As none present for the applicant, S.O. to 23.01.2024 for final hearing.

MEMBER (J)

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

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel holding for Shri Nagesh G. Talekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has tendered across the bar Government Order dated 10.11.2023 and the same is taken on record and marked as Exhibit 'X' for the purpose of identification.

3. Vide the aforesaid order the applicant has been granted promotion. In the circumstances, the learned counsel has prayed for disposing of the present Original Application since nothing survives to be considered in the said O.A.

4. Learned Presenting Officer submitted for passing appropriate orders.

:: - 2 - ::

O.A. NO. 147/2018

5. In view of the submissions made on behalf of both the parties, the following order is passed: -

ORDER

The Original Application stands disposed of being infructuous however, without any order as to costs.

MEMBER (A)

ORAL ORDER 14.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 387 OF 2023
(Sachin M. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. S.O. to 12.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

ORAL ORDER 14.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1092 OF 2022
(Satish S. Gadve & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri Ajinkya Mirajgaonkar, learned counsel holding for Shri Mohit Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)
ORAL ORDER 14.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 525 OF 2022
(Somnath B. Satbhai Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.01.2024. Interim relief granted earlier to continue till then.

MEMBER (A)
ORAL ORDER 14.12.2023-HDD

VICE CHAIRMAN

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

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

DATE : 14.12.2023

ORAL ORDER :

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

2. S.O. to 10.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.12.2023-HDD

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

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

DATE : 14.12.2023

ORAL ORDER :

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

2. S.O. to 10.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.12.2023-HDD

ORIGINAL APPLICATION NO. 412 OF 2020
(Omprakash H. Kothari Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 & 4 has filed leave note.

2. S.O. to 10.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.12.2023-HDD

**ORIGINAL APPLICATION NO. 01 OF 2022
(Vishnu Bapurao More Vs. State of Maharashtra & Ors.)**

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

DATE : 14.12.2023

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.12.2023-HDD

ORIGINAL APPLICATION NO. 02 OF 2022
(Shantilal D. Hiwarale Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. S.O. to 12.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)
ORAL ORDER 14.12.2023-HDD

VICE CHAIRMAN

M.A.NO. 357/2023 IN O.A.NO. 06/2023
(State of Maharashtra & Ors. Vs. Pandurang Lomale)

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

DATE : 14.12.2023

ORAL ORDER :

Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in M.A./respondent authorities in O.A. and Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for respondent in M.A./applicant in O.A., are present.

2. S.O. to 19.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 14.12.2023-HDD

ORIGINAL APPLICATION NO. 634 OF 2022
(Somnath R. Baviskar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. Learned counsel for the applicant submits that in terms of the order dated 08.09.2023 passed by this Tribunal, the applicant has submitted representation dated 12.09.2023 to the respondent No. 3 and another representation dated 18.09.2023 to the respondent No. 2, however nothing has been communicated to the applicant in this regard. Learned counsel for the applicant submits that there are 09 posts vacant at Kishor Sudharalaya, Nashik and the applicant has submitted representation in connection with the same.

3. Learned Presenting Officer submits that at Kishor Sudharalaya, Nashik i.e. Bostal School the workload is very less, since juvenile-in-conflict with law are detained in the said Kishor Sudharalaya. However, workload is more in Central Jail, Nashik

//2// O.A. No. 634/2022

and as such, the services of the applicant are required at Central Jail, Nashik.

4. Learned Presenting Officer on instructions submits that at present in all 39 posts are vacant at Central Jail, Nashik and the applicant can very well be adjusted at Central Jail, Nashik.

5. Learned counsel for the applicant seeks time to take instructions in this regard. Time granted.

6. Meanwhile, learned P.O. may also take instructions as to the present status of the pending representations of the applicant as referred above.

7. S.O. to 20.12.2023 for hearing.

MEMBER (J)

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

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel holding for Shri Nagesh G. Talekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. As directed by this Tribunal, the learned counsel appearing for the applicant has carried out the amendment in the prayer clause. Learned Presenting Officer was fair in submitting that no separate reply may be required to be submitted even after prayer clause has been amended, since the contentions as are raised in the O.A. are covered in the affidavit in reply filed on behalf of the respondents.

3. Learned counsel appearing for the applicant submitted that though the present applicant was eligible to be promoted he was not promoted on the

ground that the departmental enquiry and criminal case both were pending against him. Learned counsel invited our attention to the minutes of the meeting of the selection committee held on 13.1.2015. Along with the minutes of the said meeting particulars are provided as to why promotion has been granted or not granted to the concerned employee. The present applicant is at Sr. No. 11 at page No. 29 of the paper book. In the remark column the reason has been assigned for not promoting the applicant. The applicant has been held ineligible for promotion on the ground that criminal case No. 184/2011 is pending against him.

4. Learned counsel pointed out that one Shri Sanjay Warkad was accused in the same matter along with the present applicant. Learned counsel submitted that the said Sanjay Warkad has been given promotion on 15.2.2014 subject to outcome of the criminal prosecution pending against him. Learned counsel submitted that the respondents have thus adopted different norms for the said Sanjay Warkad and have given discriminatory treatment to the applicant. Learned counsel further

invited our attention to the Government Resolution dated 15.12.2017, wherein the procedure has been prescribed in respect of the actions to be taken wherein criminal prosecutions are pending or the delinquent employee has been either convicted or acquitted in the said case to whom the promotion has not been given or denied on the said ground.

5. Learned Presenting Officer has opposed the submissions as are made on behalf of the applicant. It is contended that the charges against the applicant are serious and in the circumstances the decision not to promote the applicant has been rightly taken by the respondents. Learned Presenting Officer submitted that unless the criminal case is decided the applicant may not be having any right to claim promotion.

6. After having gone through the G.R. dated 15.12.2017 and more particularly after having noticed that the co-accused has been given promotion subject to outcome of the criminal prosecution pending against him, it appears to us that the respondents have certainly given

discriminatory treatment to the present applicant. Even otherwise the Government Resolution dated 15.12.2017 provides that merely on the ground of pendency of the criminal trial against the Government employee he cannot be deprived of the promotion for years together. Clause 11 of the said G.R. reads thus: -

“११. विभागीय पदोन्नती समितीच्या पहिल्या बैठकीनंतर दोन वर्षांनी शिस्तभंगविषयक/न्यायालयीन कार्यवाहीच्या अंतिम निर्णयाच्या आधिन संबंधित अधिकारी/कर्मचा-यास तदर्थ पदोन्नती देणे आवश्यक आहे, असे सक्षम प्राधिका-याचे मत झाल्यास मोहारबंद पाकिट उघडण्यात येवू नये. विभागीय पदोन्नती समितीची बैठक बोलावून संबंधित अधिकारी/कर्मचा-याची पात्रता/अपात्रता नव्याने तसासावी. पुन्हा नव्याने पात्रता तपासल्यानंतर संबंधित अधिकारी/कर्मचारी पदोन्नतीसाठी पात्र ठरल्यास, त्यांना ११ महिन्यांसाठी किंवा विभागीय चौकशी/न्यायालयीन कार्यवाही अंतिम होईल यापैकी जे अगोदर होईल तेवढ्या कालावधीसाठी खालील अटीच्या अधीन राहून निव्वळ तदर्थ पदोन्नती देण्यात यावी. खालील अटी व शर्ती तदर्थ पदोन्नतीच्या आदेशामध्ये सुस्पष्टपणे नमूद कराव्यात :-

(i) शिस्तभंगविषयक/न्यायालयीन कार्यवाहीच्या अधिन दिली जाणारी तदर्थ पदोन्नती केवळ तात्पुरती असेल व या तदर्थ पदोन्नतीमुळे नियमितपणाचे व ज्येष्ठतेचे कोणतेही लाभ अशा अधिकारी/कर्मचा-यांना मिळणार नाहीत.

(ii) ही तदर्थ पदोन्नती “पुढील आदेशापर्यंत असेल”. तसेच कोणत्याही वेळी दिलेली तदर्थ पदोन्नती रद्दकरून मुळ पदावर पदावनत करण्याचा हक्क शासन राखून ठेवीत आहे.”

7. In view of the Government Resolution dated 15.12.2017 and the provisions made thereunder which we have reproduced hereinabove the contention as has been raised by the learned Presenting Officer cannot be sustained. In the result, the following order is passed: -

ORDER

- (i) The respondents shall consider the case of the applicant for giving him provisional promotion as provided in clause 11 of the Government Resolution dated 15.12.2017, if otherwise there is no legal impediment for granting him such promotion. Such exercise shall be carried out by the respondents within a period of 8 weeks.
- (ii) The Original Application stands allowed in the aforesaid terms. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 566/2023 IN O.A. 996/2023 WITH M.A. NO. 550/2023
(Tushar P. Patil & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri Sayyed Tauseef Yaseen, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel holding for Shri Kalyan Patil, learned counsel for the applicants in intervention application i.e. M.A. No. 550/2023.

2. Applicants in the Original Application No. 996/2023 have preferred the present Misc. Application No. 566/2023 seeking following reliefs :-

“(A) This Misc. Application may kindly be allowed.

(B) The Effect, Execution and Implementation of the Provisional Selection list of 22 Trades published by the DVET on 07.12.2023, may kindly be stayed during the pendency of the Original Application.

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**M.A. NO. 566/2023 IN O.A.
996/2023 WITH M.A. NO.
550/2023**

(C) The Effect, Execution and Implementation of the circular no. 137/2023 dated 07.12.2023 including the Program contemplated for Document Verification on 18.12.2023 may kindly be stayed.”

3. The learned counsel for the applicants relying on the judgment of the Hon'ble Apex Court in the case of **Rishal and Others vs. Rajasthan Public Service Commission & Ors., (2018) 8 SCC 81** submitted that in the present recruitment process the procedure, which was laid down, has not been scrupulously followed and it has not been made known to the participants. Learned counsel submits that in the normalization method the procedure, which was declared, the respondents were under an obligation to give all details of the procedure so adopted, so that every candidate shall come to know as about the correctness of the marks so allotted to him. Learned counsel submits that without adopting the said procedure, since the provisional select list has been declared, the applicants have certainly made out a case for grant of interim relief as prayed for by them.

3. The learned Chief Presenting Officer opposed for grant of any interim relief in favour of the applicants. The learned C.P.O. submitted that the respondents have declared the raw marks, as well as, the marks secured after the normalization method was adopted. Learned C.P.O. further submitted that the entire selection process was carried out as was declared by the respondents. Learned C.P.O. submitted that the applicants, in fact, have been benefited by the normalization procedure so adopted by the respondents and in fact their number of marks are increased in the said method. Learned C.P.O. submitted that the applicants have not made out any case for seeking interim relief on the grounds taken in the O.A. Learned C.P.O. submitted that attempt of these applicants is to only stall the further process of selection. It is further contended that thousands of candidates have applied and participated in the selection process and the appointments are to be made on the posts to the extent of 1000+. Learned C.P.O. submitted that having regard to the facts as

aforesaid, no interim relief as has been sought for by the applicants can be granted.

4. Shri Kalyan Patil, learned counsel preferred the Misc. Application No. 550/2023 seeking intervention of the applicants therein in the O.A., whose names are included in the provisional merit list, as well as, selection list. Having regard to the contentions raised in the application filed for intervention, it appears to us that the intervenors have certainly an interest in the decision of the present matters, since that may adversely affect their selection. The intervention application is, therefore, allowed.

5. The learned counsel for intervenors thereafter submitted that in the O.A. the prayers, which are made and prayers, which are made in the Misc. Application No. 566/2023 cannot match and on that ground itself the Misc. Application cannot be considered. The learned counsel further submitted that it is the contention of the applicants themselves that, if further recruitment process is not stayed, 3rd party interest will be created in the persons, who

may secure birth in the provisional select list. Learned counsel further submitted that none of the said candidates has been made party respondent by the applicants in the present application. Learned counsel submitted that on this ground the Misc. Application No. 566/2023 deserves to be rejected.

6. We have duly considered the submissions made on behalf of the applicants, learned Chief Presenting Officer for the respondent authorities and the learned counsel appearing for the intervenors. We have also perused the documents placed on record. Prima-facie, it does not appear to us that any case is made out by the applicants for grant of interim relief as has been sought by them. It is not the contention of the applicants that because of non-following of the procedure as alleged by them, any prejudice has been caused to the applicants and chance of their selection has been prejudicially affected. It is thus evident that the interim relief has not been sought by aggrieved person(s). We are, therefore, not inclined to entertain and consider the prayer of interim relief at their instance.

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**M.A. NO. 566/2023 IN
O.A. 996/2023 WITH
M.A. NO. 550/2023**

ORDER

M.A. No. 566/2023 is rejected. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO. 364/2023
(Dilip Adatrao Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri Nagsen Gawali, learned counsel holding for Shri A.S. Bayas, 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, issue fresh notice to respondent no. 4, returnable on 22.2.2024.

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

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

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

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

7. S.O. to 22.2.2024.

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

MEMBER (A)

VICE CHAIRMAN

**O.A. NO. 447/2022 WITH M.A.ST.NO. 2166/2023
WITH M.A.NO. 542/2022 WITH M.A.NO. 261/2022
WITH M.A.NO. 257/2022
(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Mah. & Ors.)**

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

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

DATE : 14.12.2023

ORAL ORDER :

Shri M.G. Sharma, learned counsel holding for Shri Mohit R. Deshmukh, learned counsel for the applicants in M.A.ST. 2166/2023, Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants in M.A. No. 542/2022, Shri S.B. Bhosale, learned counsel for the applicants in M.A. Nos. 261 & 257 both of 2022, Shri S.K. Kadam, learned counsel for respondent No. 2 in O.A. and Shri V.R Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Shri S.K. Kadam, learned counsel has tendered the affidavit in reply on behalf of respondent no. 2 in O.A. Learned counsel for the applicant has tendered the rejoinder affidavit on behalf of the applicant to the affidavit in reply of respondent nos. 2 & 3. The same are taken on record and copies thereof are supplied to each other.

3. S.O. to 8.1.2024. Interim Relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1149/2022
(Vileep Devkate Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.K. Mathpati, learned counsel holding for Sm. Vaishali Kalyankar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has tendered the rejoinder affidavit to the reply filed by respondent nos. 1 to 3. Same is taken on record and copy thereof has been supplied to other side. Learned counsel for the applicant and learned P.O. have tendered the copies of relevant G.R., judgment of the M.A.T., Mumbai. Same are taken on record.

3. S.O. to 3.1.2024. **Part heard.**

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 907/2022
(Ajay Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.S. Thombre, learned counsel holding for Shri M.S. Karad, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent nos. 4 to 7. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 8.1.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 911/2022
(Dipak D. Sanap & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.S. Thombre, learned counsel holding for Shri M.S. Karad, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has tendered the affidavit in reply on behalf of respondent nos. 4 to 7. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 8.1.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1101/2022
(Dipak S. Sanap & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.S. Thombre, learned counsel holding for Shri M.S. Karad, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent nos. 4 to 7. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 8.1.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 998/2022
(Hanuman A. Baglane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri S.S. Thombre, learned counsel holding for Shri M.S. Karad, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent nos. 4 to 7. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 8.1.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 14.12.2023

MOTION FOR SPEAKING TO MINUTES IN
ORIGINAL APPLICATION NO.716/2023
(Kailas Ganpat Datkhil Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri V.B.Wagh, learned counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. This is the motion for speaking to minutes in the order passed by this Tribunal on 05-12-2023 in O.A.No.716/2023.

3. Learned Counsel submits that the time has not been stipulated for breaking open the sealed cover. In view of the submissions made, clause [ii] of the order be amended as follows:

[ii] Respondents are further directed to break open the sealed cover within 4 weeks from the date of this order and if the applicant is recommended therein for his promotion, consider his case for promotion on merit in order of seniority and as per rules.

Accordingly, motion for speaking to minutes is allowed.

MEMBER (A)
YUK ORAL ORDER 14.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1159/2022
(Ravindra G. Lagdive Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. On earlier occasion opportunity was granted to the respondents for filing affidavit in reply subject to costs of Rs.1000/-, however, reply has not been filed and costs also not deposited.

3. Hence, list the matter for hearing on 17-01-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 14.12.2023

ORIGINAL APPLICATION NO.1046/2023
(Wasimakram Hakim Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri V.B.Dhage, learned counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Applicant had applied for the post of Artist-cum-Photographer in pursuance of the advertisement published on 10-05-2023 by respondent no.2. It is the case of the applicant that in the general merit list applicant stands at Sr.No.72 and at Sr.No.5 in so far as the EWS candidates are concerned. However, he has not been called for documents verification.

3. From the record applicant is unable to show and convince us as about his eligibility to be called for documents verification, however, respondents are directed to show cause by the next date why the applicant has not been called for documents verification.

4. In the meanwhile, issue notices to the respondents, returnable on 15-01-2024.

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

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

7. 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.

8. 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. Applicants are directed to file affidavit of compliance and notice.

9. S.O. to 15-01-2024.

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

MEMBER (A)

YUK ORAL ORDER 14.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.2247/2023
(Kaka B. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. In view of absence of learned Counsel for the applicant, S.O. to 22-02-2024.

MEMBER (A)

YUK ORAL ORDER 14.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.2251/2023
(Kashinath L. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Shri A.R.Kawade, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel on instructions received from the applicant seeks leave to withdraw the O.A. with liberty to file it before appropriate forum. Hence, the following order:

ORDER

O.A. stands disposed of as withdrawn with liberty to file it before appropriate forum.

MEMBER (A)
YUK ORAL ORDER 14.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.2320/2023
(Pradip M. Chandanshive Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

2. Office has raised objection in so far as the prayer clause "B" is concerned. Objection is raised that without availing remedy of preferring an appeal before the appellate authority against the order of suspension, the applicant has directly approached this Tribunal. Learned Counsel for the applicant submits that the applicant did not prefer appeal and has approached this Tribunal for the reason that the action of initiating departmental enquiry and passing order of suspension in contemplation of the enquiry are taken under the orders of superior authorities with whom the appeal lies. As such, according to learned Counsel Shri Jadhavar, objection may not sustain.

3. We have gone through the documents filed on record. It does not appear to us that there was any

direction from the higher authority for passing order of suspension of the applicant. Documents on record reveal that there were some directions as about conducting departmental enquiry under Rule 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 instead of Rule 10. In the circumstances, there is substance in the objection raised. Applicant cannot approach this Tribunal without availing the alternate efficacious remedy.

4. Learned Counsel thereupon submits that applicant will prefer an appeal before the appellate authority and in the circumstances has not pressed the prayer clause "B". Learned Counsel has sought leave to correct the prayer clause numbers thereafter. Learned Counsel, however, has prayed for giving an opportunity to the applicant to approach the appellate authority. In view of the submissions made following order is passed:

ORDER

[i] In view of request of the applicant leave granted for deleting prayer clause "B" and other prayers be numbered accordingly.

[ii] Applicant may avail the remedy of filing appeal before the appellate authority in accordance with the provisions under the Rules.

[iii] In so far as the other prayers are concerned, issue notices to the respondents, returnable on 16-02-2024.

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

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

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

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

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O.A.ST.NO.2320/2023

compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

[viii] S.O. to 16-02-2024.

[ix] Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

YUK ORAL ORDER 14.12.2023

VICE CHAIRMAN

M.A.ST.NO.2324/2023 IN O.A.ST.NO.2325/2023
(Pallavi S. Karande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

Heard Shri C.V.Dharurkar, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Office has raised an objection as about the limitation. After having heard learned Counsel for the applicant and learned CPO, there appears substance in the objection raised by the office. Applicant to take necessary steps in the matter. Case be removed from the board.

MEMBER (A)
YUK ORAL ORDER 14.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 226 OF 2023
(Ikbal Shabudhin Sayyad Vs. State of Maharashtra & Ors.)

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

DATE : 14.12.2023

ORAL ORDER :

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

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

3. By this Original Application, the applicant is seeking direction to treat the suspension period of the applicant w.e.f. 13.06.2008 to 04.10.2010 as duty period pursuant to his acquittal in Special Case No. 06/2009 & made payment of pay and allowances of said period as per Rule 72(3) & (4) of Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal), Rules, 1984. The applicant is also seeking quashment of impugned communication dated 23.01.2023 issued by respondent No. 3.

4. Brief facts giving rise to the Original Application are as follows :-

//2//

O.A. No. 226/2023

(i) The applicant was appointed as Police Sub-Inspector (P.S.I.) in Police Department w.e.f. 01.04.1995. He retired from the post of Police Inspector on 31.10.2012 (Annexure A-1) from Police Control Room, Osmanabad. Further on the basis of complaint lodged with A.C.B. against the applicant and one Police Constable Wakchoure in respect of demand of bribe of Rs. 5000/-, Crime No. 102/2008 u/s 7,12,13(1) with 13(2) of Prevention of Anticorruption Act, 1988 registered against the applicant on 26.08.2008 at Police Station Omerga, District Osmanabad. In view of registration of said crime, the applicant came to be suspended on 26.08.2008 (Annexure A-2). The applicant was reinstated in the service vide order dated 03.06.2010 (Annexure A-3 collectively), subject to Special Case pending against him before the Sessions Court, Omerga.

(ii) It is further case of the applicant that he came to be acquitted in Special Case No. 06/2009 pending against him at Omerga by judgment and order dated 12.07.2013. Being aggrieved by the same, the State has preferred Criminal Appeal

//3//

O.A. No. 226/2023

against the order of acquittal before the Hon'ble High Court, Bench at Aurangabad, however, the same is pending.

(iii) It is the case of the applicant that since the date of retirement i.e. 31.10.2022 he has received only provisional pension w.e.f. 01.11.2022 and no pensionary benefits were paid to him. The applicant has made a representation requesting competent authorities to treat his suspension period as duty period and to release the pensionary benefits subject to decision of Criminal Appeal pending before the Hon'ble High Court, Bench at Aurangabad. The respondent No. 3 vide communication dated 23.01.2023 rejected the request of the applicant to treat his suspension period as duty period. Through the applicant is receiving provisional pension since November, 2022, however gratuity, D.C.R.G. and other pensionary benefits are yet not paid to the applicant solely on the ground that the Criminal Appeal against his acquittal is pending before the Hon'ble High Court. The applicant has therefore, approached this Tribunal by filing the present Original Application.

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5. Learned counsel for the applicant submits that in a case of **Ashfakali Khan Abdulali Khan Vs. The State of Maharashtra and Ors.** W.P. No. 6650/2020, decided on 25.10.2021, the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad in the identical facts of case partly allowed the petition with a rider that the petitioner shall tender an affidavit / undertaking to the respondent No. 3 Municipal Commissioner stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order. [b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the petitioner.

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6. Learned counsel for the applicant submits that in terms of the said order passed by the Division Bench of the Hon'ble High Court of Bombay, Bench at Aurangabad, this Bench of the Tribunal in several O.As. with the identical issue, has adopted the same course of action and disposed of the same.

7. Learned Presenting Officer submits that as per Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982, the applicant is entitled for provisional pension only till the disposal of the criminal cases pending against them. The applicant is not entitled for pay and allowances as per Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Services and Payment During Suspension, Dismissal and Removal) Rules, 1981 (for short 'Rules of 1981') till final disposal of the cases against them. Learned P.O. submits that when the appeal filed by the State against the order of acquittal is pending before the Hon'ble High Court of Bombay, Bench at Aurangabad, the respondent has rightly rejected the request of the applicant for treating the suspension period etc. as per the rules quoted above. Learned P.O. submits that payment of the

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gratuity/ D.C.R.G. and other pensionary benefits cannot be made over to the applicant till the case against him is finally decided in terms of Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982 and Rule 4 of the Maharashtra Civil Services (Commutation) Rules, 1984. Learned P.O. submits that the present Original Application is liable to be dismissed with costs.

7. It appears from the documents annexed to all these Original Application that though crime under provisions of the Prevention of Corruption Act came to be registered against the applicant, he came to be acquitted by the Sessions Court and at present only appeal against the acquittal preferred by the State is pending against him before the Hon'ble High Court of Bombay, Bench at Aurangabad.

8. In a case of **Ashfakali Khan Abdulali Khan** (cited supra) with the identical state of facts, the Hon'ble Division Bench by order dated 25.10.2021 has partly allowed the W.P. in terms of prayer clause-B with the rider. In para Nos. 3, 4 & 5, the Division Bench of Hon'ble High Court of Bombay, Bench at Aurangabad has made following observations :-

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“3. It is settled Law that gratuity cannot be forfeited unless the offence amounting to moral turpitude is proved to have been committed by the petitioner, u/s 4, 6(d)(2) of the Payment of Gratuity Act, 1972 and in the light of the judgment delivered by the Hon’ble Apex Court in the matter of Union Bank of India and others Vs. C.G.Ajay Babu and another [(2018) 9 SCC 529].

4. The learned Advocate for the Corporation submits that the provisional pension is being granted to the petitioner. He, however, cannot point out any provision under the MCS (Pension) Rules, 1982 that an appeal pending against acquittal would empower the employer to hold back regular pension.

5. In the light of the facts as recorded above and keeping in view that an appeal against the acquittal is pending adjudication, the petitioner need not be made to suffer the rigours of litigation, though, we intend to pass an equitable order.”

In view of above observations, the Division Bench has partly allowed the aforesaid Writ Petition and in terms of para No. 6, has passed the following order with rider :-

“6. In view of the above, this petition is partly allowed in terms of prayer clause “B” with the following rider :-

[a] The petitioner shall tender an affidavit /undertaking to respondent No.3 Municipal Commissioner stating therein that if he suffers

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an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

[b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the petitioner"

9. In the following Original Applications, this Tribunal has taken a similar view and disposed of O.As. which are as follows :-

(i) O.A. No. 17/2020 (Bapurao R. Patil Vs. The State of Maharashtra and Ors.), dated 28.06.2022.

(ii) O.A. No. 178/2021 (Nandkishor C. Ramdin Vs. the State of Maharashtra and Ors.), dated 11.11.2022.

10. Learned counsel for the applicant submits that the respondents have taken a decision about the suspension period whether to be treated as duty

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period or not and the applicant has accepted the same. Learned counsel on instructions submits that the applicant is not pressing prayer clause 20(b) of the present Original Application.

11. In view of above discussions, I proceed to pass the following order :-

ORDER

(i) The Original Application No. 226/2023 is partly allowed.

(ii) The applicant shall tender an affidavit/undertaking to respondents stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

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(iii) After such affidavit is filed satisfying the above stated ingredients, the respondents shall initiate steps for remittance of admissible monetary benefits within 12 (twelve) weeks from the date of the filing of such affidavit by the applicant.

(iv) In the circumstances, the O.A. stands disposed of in the aforesaid terms. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 14.12.2023

O.A. Nos. 238, 239, 241, 243 & 245 all of 2021
(Pandurang H. Bhalerao & Ors. Vs. State of Maharashtra & Ors.)
(Speaking to minutes)

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

DATE : 14.12.2023

ORAL ORDER :

Shri V.S. Kadam, learned counsel for the applicants in all these O.As.

2. This is motion for speaking to minutes.

3. Learned counsel for the applicants seeks leave to correct the name of the applicant No. 3 in O.A. 239/2021 as 'Rangnath Deorao Betkar' instead of 'Rangnath Ramrao Betkar' & name of the applicant in O.A. No. 245/2021 as 'Sunil Shamacharya Dharmadhikari' instead of 'Sunil Ramacharya Dharmadhikari'.

4. Leave granted as prayed for. The necessary amendment be carried out forthwith.

5. Learned counsel for the applicants submits that while passing common order in O.A. No. 238 of 2021 & 8 Ors. on 12.09.2023, there are some inadvertent typographical errors in Annexure-A, which is the part of original order, which are as under :-

(i) In O.A. No. 238/2021, the date of appointment of applicant No. 1 is mentioned as "25.12.1977", it should be "05.12.1977", so also, period of arrears of the said applicant is mentioned as "29.09.2003 to 14.05.2009", it

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should be “29.09.2003 to 16.11.2016”. In the said O.A., the period of arrears of the applicant No. 2 is mentioned as “29.09.2003 to 16.11.2016”, it should be “29.09.2003 to 14.05.2009”.

(ii) In O.A. No. 239/2021, the date of appointment of the applicant No. 1 is mentioned as “02.05.1983”, it should be “02.05.1988”. In the said O.A. the date of appointment of applicant No. 3 is mentioned as “21.06.1967”, it should be “21.06.1983”.

(iii) In O.A. No. 241/2021, the date of appointment of applicant No. 1 is mentioned as “05.07.1984”, it should be “05.01.1984”. In the said O.A., the period of arrears of applicant No. 4 is mentioned as “29.09.2003 to 18.03.2008”, it should be “29.09.2003 to 14.05.2009”.

(iv) In O.A. No. 243/2021, the date of appointment of applicant is mentioned as “21.09.1983”, it should be “21.09.1988”.

6. Accordingly, the corrections be carried out and copy of the corrected order be uploaded. Motion stands disposed of.

VICE CHAIRMAN