

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

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

Before: - Court On Leave

Date: -14/07/2023

Sr · No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	MA315/23 In OAS1327/23	A'nagar	Adv.Dhananjay A Naik (Sambhaji M Zaware)	M.A. For Condonation of Delay	Circulation	27.07.2023
2	OA600/23	A'bad	Adv.P.M. Nagargoje (Shamla S Ekhande)	Departmental Enquiry		05.09.2023
3	OA613/23	Beed	Adv.Amol R Gaikwad (Vishal S Shelke)	Selection Process		17.08.2023
4	OAS1760/23	Beed	Adv.O.D. Mane/ Adv.A.O. Mane (Sheshrao L Wagatkar)	Major Punishment (Dismissal)	With Office Objection	07.09.2023
5	MASt1324/23I n OAS1325/23	A'nagar	Adv.Dhananjay A Naik (Dashrath L Shelke)	M.A. For Condonation of Delay	Circulation with Office Objection	17.07.2023
6	MASt1332/23 In OAS1333/23	A'bad	Adv.Amol B Chalak (Bhagatsing U Singal & Ors.)	M.A. For Sue Jointly	Circulation with Office Objection	24.07.2023
7	OA1005/19	A'bad	Adv.M.R. Kulkarni (Dr.Benazeer Shobha Shriram Jadhav)	Revised Pay Fixation/ Recovery	Circulation For Withdrawal	withdrawn
8	MA314/23 In OA107/23	Nanded	Adv.J.J. Patil (Sanjay V Nagamwad & Ors.)	M.A. For Amendment	Circulation	07.08.2023

Order Matters						
9	MA499/19 In MA500/19 In OA667/19	A'bad	Adv.Sudhir Patil/ Adv.Dr.Kalpalata Patil Bharaswadkar (Sanjay R Patil)	M.A. For I.R.	For Hearing Reply Filed by R-2 & R-4	08.09.2023
10	MA609/19 In OAST2372/19	A'bad	Adv.K.B. Jadhav (Radhabai K Kedare)	M.A. For Condoantion of Delay	For Hearing Reply Filed by R-1 to R-3	08.09.2023
11	MA99/20 In OAST283/20	Latur	Adv.R.D. Biradar (Swati S Maknikar)	M.A. For Condonation of Delay	For Hearing	31.08.2023
12	MA255/23 IN MASt817/23 In MA217/23 In MA216/23 In OA227/23	A'bad	Adv.K.J. Ghute Patil/ Adv.A.B. Rajkar In MA255/23 (Malhari E Mane & Ors.) Adv.Harish S Bali In MASt817/23 (Shahu L Satpal & Ors.) Adv.H.S. Bali/ Adv.S.H. Bali In 217/23 (Shahu L Satpal & Ors.) Adv.K.J. Ghute Patil/ Adv.A.B. Rajkar In MA216/23 (Malhari E Mane & Ors.) Adv.N.N. Gore/ Adv.S.R. Sapkal In OA227/23 (Digambar S Pawar & Ors.)	MA255/23 For Modification of Order MASt817/23 For Modification of Order MA217/23 For Intervention/ Vacate/Modify I.R. MA216/23 For Intervention		09.08.2023
High On Board Matters						
13	MA542/22 with MA261/22 With MA257/22 In OA447/22	A'bad	Adv.S.S. Thombre In MA542/22 (Dr.Shivshakti D Pawar) Adv.R.R. Kale/Adv.S.B. Bhosale In MA261/22 & MA257/22 (Dr.Pratap M Shinde & Ors.) Adv.Mohit Deshmukh in OA447/22	M.A. For Intervention in MA542/22 M.A. For Vacating I.R. in MA261/22 M.A. For Intervention in MA257/22	Re Hearing Reply Filed by R-1 to R-9 In MA257/22	29.08.2023

			(Dr. Sanjay K Muley & Ors.) <u>Adv.S.K. Kadam for R.No.2</u> <u>in OA</u> <u>Adv.Satvajeet S</u> <u>Dixit/Adv.V Sajith Kumar</u> <u>for R.No.3 in OA</u>			
14	OA682/21 with	A'bad	Adv.Sudhir Patil/ Adv.Dr. Kalpalata Patil Bharaswadkar (Ashok K Mehetre)	Notional Pormotion/ Promotional Pay Scale	<u>High On Board</u> <u>Further</u> <u>Consideration</u> Reply Filed by R-1 to R-3	29.08.2023
15	OA683/21	A'bad	Adv.Sudhir Patil/ Adv.Dr. Kalpalata Patil Bharaswadkar (Dhanaji A Ugale)	Notional Pormotion/ Promotional Pay Scale	<u>High On Board</u> <u>Further</u> <u>Consideration</u> Reply Filed by R-1 to R-3	29.08.2023
Due Admission Matters						
16	CP50/19 In OA242/17 with	J'gaoan	Adv.Anant D Sugdare (Mohan R Chaudhari) <u>Adv.Sunita D Shelke for</u> <u>R.Nos.2 & 3</u>	Contempt Petition	For Hearing Reply filed By R-1	30.08.2023
17	CP51/19 In OA648/17 with	J'gaoan	Adv.A.D. Sugdare (Bhaskar S Patil) <u>Adv.Sunita D Shelke for</u> <u>R.Nos.3 & 4</u>	Contempt Petition	For Hearing Reply filed By R-1	30.08.2023
18	CP52/19 In OA878/16	J'gaoan	Adv.A.D. Sugdare (Nitinkumar T Adhe) <u>Adv.Sunita D Shelke for</u> <u>R.Nos.3 & 4</u>	Contempt Petition	For Hearing Reply filed By R-1	30.08.2023
19	CP22/21 In OA947/18 with	J'gaon	Adv.A.D. Sugdare (Bhagwat T Chaudhari) <u>Adv.Sunita D Shelke for</u> <u>R.No.3</u>	Contempt Petition	For Hearing	30.08.2023
20	CP23/21 In OA432/18 with	J'gaon	Adv.A.D. Sugdare (Ajabrao R Patil) <u>Adv.Sunita D Shelke for</u> <u>R.No.3</u>	Contempt Petition	For Hearing	30.08.2023
21	CP24/21 In OA169/18	J'gaon	Adv.A.D. Sugdare (Shankar D Chaudhari) <u>Adv.Yogesh M Patil For</u> <u>R.No.3</u>	Contempt Petition	For Hearing	30.08.2023

22	OA586/12	Beed	Adv.Sudhir Patil (Bharat M Bhosale)	Promotion	For Hearing Reply Filed by R-1 to R-3	29.08.2023
23	OA786/17	A'bad	Adv.Ajay S Deshpande (Kailash A Pardeshi)	Promotion/ Retirement Benefits	For Hearing Reply Filed by R-1	20.09.2023
24	OA783/19	Jalna	Adv.Sunil B Jadhav (Anil P Chittarwad)	Deem Date of Appointment/ Promotion/ Seniority	For Hearing Reply Filed by R-1 & R-2	26.09.2023
25	OA64/22	Nanded	Adv.Avinash S Deshmukh (Bhimrao K Gaikwad)	Promotion	For Hearing	02.08.2023
26	OA167/22	P'bhani	Adv.Jiwan J Patil (Pravin K Kokande)	Promotion	For Hearing Reply Filed by R-2 & R-3	21.09.2023
27	OA172/22	Hingoli	Adv.J.J. Patil (Suresh S Bobade)	Promotion	For Hearing Reply Filed by R-1 & R-2	21.09.2023
28	OA494/22	Nanded	Adv.Suchita Dhongde (Balu D Kurhade)	Reversion	For Admission Reply Filed by R-1 to R-3 For Compliance of P.O. For Depositing the Amount of Costs	20.09.2023
29	OA495/22	Nanded	Adv.Suchita Dhongde (Datta S Yelake)	Reversion	For Admission Reply Filed by R-1 to R-3	20.09.2023
30	OA547/22	P'bhani	Adv.Amol B Chalak (Ganesh S Chavan)	Examination/ Eligibility/ Select List	For Hearing Reply Filed by R-2	02.08.2023
31	OA06/23	Dhule	Adv.V.B. Wagh (Pandurang G Lomole)	Promotion	For Admission Reply Filed by R-1 & R-2	07.08.2023
Final Hearing Matter						
32	OA07/17	A'bad	Adv.Surekha Mahajan (Shishirbaba K Ghonmode)	Promotion	Reply Filed by R-3 & R-4	22.09.2023

33	OA226/17	Latur	Adv.K.M. Nagarkar (Baliram S Kakade)	Voluntary Retirement/ Pensionary Benefits	Reply Filed by R-1 to R-5	22.09.2023
34	OA262/17	Beed	Adv.V.B. Wagh (Trimbak G Phasle)	Departmental Enquiry	Reply Filed by R-1 & R-2	04.10.2023
35	OA736/17	Jalna	Adv.S.S. Thombre (Sanjay U Kale)	Not to Terminate Service/ Nominee of Freedom Fighter	Reply Filed by R-2 to R-4	10.08.2023
36	OA729/18	Latur	Adv.J.B. Choudhary (Satish N Shrimangle)	Promotion	Reply filed by R-1 to R-3	04.10.2023

Hon'ble Division Bench
Before: -Court On Leave

Date: -14/07/2023 For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP25/23 In OA205/21	A'nagar	Adv.S.D. Joshi (Ramesh Y Gunjal)	Contempt Petition	For Reply	25.08.2023
2	OA156/22	A'bad	Adv.Avinash S Deshmukh (Dr.Megha D Deshmukh)	Promotion	Reply Filed By R-1 to R-3 & For Filing Affidavit in Rejoinder	20.09.2023
3	OA684/22	Latur	Adv U L Momale (Shivraj V Chidre)	Dismissal	Await Service	21.09.2023
4	OA208/23	N'bar	Adv.K.B. Jadhav (Suryabhan E Pawar)	Departmental Enquiry	Reply Filed By R-2 & R-3 & For Filing Affidavit in Reply R-1 & R-4	07.08.2023

5	OA220/23	Beed	Adv.A.S. Deshpande (Mansuri Ansar Nisar Ahmed & Ors.)	Selection Process (MPSC)	Reply Filed By R-1 & R-2 & For Filing Affidavit in Rejoinder	21.09.2023
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Hon'ble Single Bench

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

Date: -14/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	OA150/23	J'gaon	Adv.P.G. Gunale (Ramchandra C Bhalerao Alias Dhangar)	Leave Encashment		25.08.2023
2	MA304/23 In OAS864/23	J'gaon	Adv.V.B. Wagh (Vanil B Koli)	M.A. For Condonation of Delay		28.08.2023
3	MA307/23 In OAS1057/23	A'bad	Adv.S.S. Kulkarni/ Adv.AnilAhire (Jayashri U Tribhuvan)	M.A. For Condonation of Delay		28.08.2023
4	OA598/23	Latur	Adv.Sanjaykumar B Bhosale (Dr.Jitendra G Jaiswal)	Directions/ Posting		04.08.2023
5	OA599/23	Hingoli	Adv.S.B. Bhosale (Dr.Devendra R Jaybhaye)	Directions/ Posting	Circulation	04.08.2023
6	OA603/23	J'gaon	Adv.S.B. Bhosale (Gutum B Sonwane)	Retirement Benefits		25.08.2023
7	OA604/23	A'nagar	Adv.A.D. Sugdare (Bhagwan S Avhad)	Directions/ Benefit of G.R./ Pension	Circulation	28.08.2023
8	OA605/23	A'nagar	Adv.A.D. Sugdare (Bhousaheb N Falke)	Directions/ Benefit of G.R./ Pension	Circulation	28.08.2023
9	OA606/23	A'nagar	Adv.A.D. Sugdare (Sudhir B Markad)	Directions/ Benefit of G.R./ Pension	Circulation	28.08.2023

10	OA618/23	J'gaon	Adv.K.B. Jadhav (Kishor A Salunke)	Transfer	Circulation	31.07.2023
11	OA619/23	Latur	Adv.S.D. Joshi (Bhagwan S Kendre)	Transfer	Circulation	04.08.2023
12	OA620/23	Jalna	Adv.A.D. Sugdare (Anita J Bhartilak)	Transfer	Circulation	31.07.2023
13	MASt1213/23 In OAS1214/23	A'bad	Adv.P.V. Suryawanshi (Sunanda R Lokhande)	M.A. For Sue Jointly	Circulation with Office Objection	29.08.2023
14	OA871/22	P'bhani	Adv.N.R. Pawade (Santosh A Jadhav)	Leave	Circulation Reply Filed by R-2	28.08.2023
Order Matters						
15	MA289/23 In OA496/23	A'bad	Adv.Mohit R Deshmukh (Gurunath S Indurkar)	M.A. For Direction		08.08.2023
Due Admission Matters						
16	OA110/21	Hingoli	Adv.V.B. Wagh (Dr.Namdeo R Pawar)	Continuation	Part Heard For Further Consideration Reply Filed by R-1 to R-3	05.09.2023
17	OA533/20	Nanded	Adv.Pravin B Rakhunde (Sadashiv D Sakhare) Adv.S.B. Patil For R.Nos. 2, 4 & 6 Adv.S.B. Mene for R.No.3	Revised Pension	For Hearing Reply Filed by R-2, R-4 to R-6	11.08.2023
18	OA119/21	A'nagar	Adv.AjitManoharGholap (Sudhakar B Aandhale)	Time Bound Promotion/ ACPS/ Benefits of G.R.	Reply filed by R-1 to R-5	11.08.2023
19	OA440/21	Hingoli	Adv.SuchitaDhongde (WaheedaFiyoyjoddinKazi)	Benefit of Time Bound Promotion & II A.C.P.S.	For Hearing Reply Filed by R-2 to R-4	11.08.2023
20	OA644/21	N'bar	Adv. Suchita A Dhongde (Dilip B Wani)	Benefit of ACPS	Reply Filed by R-3 & Other Respondents	11.08.2023
21	OA711/21	Beed	Adv.Rahul M Jade (Lalita Late BhagwanGaikwad)	Recovery	For Hearing Reply Filed by R-1 to R-4	11.08.2023

22	OA180/22	Jalna	Adv.A.B. Rajkar (Deepak D Kharath)	Sanction Extraordinary Leave	For Hearing Reply Filed by R-1 to R-6	14.08.2023
23	OA492/22	J'gaon	Adv.N.L. Choudhari (Pankaj J Pawar)	Arrears of Salary	For Hearing Reply Filed by R-1 to R-5	14.08.2023
24	OA618/22	Beed	Adv.Avinash S Khedkar (Shivaji M Palepad)	Suspension Period	Reply Filed by R-2	14.08.2023
25	OA829/22	P'bhani	Adv.J.B. Choudhary (Musaddiq Ahmed MadniMasood Ahmed Madni)	Deemed Date of Promotion	Reply Filed by R-1 to R-3	14.08.2023
26	OA423/23	N'bar	Adv.Rakesh N Jain (Niketa B Nayak)	Transfer	Reply Filed by R-2 & R-3	26.07.2023
27	OA424/23	N'bar	Adv.Rakesh N Jain (Lahu M Chavan)	Transfer	Reply Filed by R-2 & R-3	26.07.2023
Final Hearing Matters						
28	OA89/18	A'bad	Adv.Avinash S Deshmukh (SayedaKhalida Md. Naeem) <u>Adv.S.R. Pande for</u> <u>R.No.3</u>	Family Pension	Reply filed by R-1 to R- 3	17.08.2023
29	OA555/18	Nanded	Adv.K.B. Jadhav (Nirmala S Bhandari)	Benefit of Revised in Service/ Assured Progress Scheme	Reply Filed by R-3	28.08.2023
30	OA711/18	A'bad	Adv.V.G. Pingle (Sanjay N Nade)	Benefit of G.R./ Higher Pay Scale	Reply Filed by R-1 to R- 3	28.08.2023
31	OA28/19	A'bad	Adv.V.P. Kadam (Suresh G Sadavarte)	Correction in Date of Birth	Reply Filed by R-2	04.09.2023
32	OA361/19	A'bad	Adv.Anant D Gadekar (Jijabai J Sonwane&Ors.)	Family Pension	Reply Filed by R-3 to R- 6	04.09.2023
33	OA82/20	P'bhani	Adv.A.D. Gadekar (Sharad M Panchange)	Regularisation of Suspension Period	Reply Filed by R-3 & R- 5	04.09.2023
34	OA351/21	A'bad	Adv.Kakasaheb B Jadhav (Kautik Y Kachole)	Duty Period (Suspension)	Reply Filed by R-1 to R-3	05.09.2023

35	OA466/21	O'bad	Adv.Shamsundar B Patil (Dr.Yashwant M Patil)	Annual Increment	Reply filed by R-1 to R- 5	05.09.2023
36	OA748/21	P'bhani	Adv.SudhirPatil/ Adv.Dr. KalpalataPatilBharaswadkar (Prakash B Potewar)	Time Bound Promotion/ Recovery	Reply Filed by R-3 & R- 5	05.09.2023

Hon'ble Single Bench

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

Date: -14/07/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA567/17	Jalgaon	Adv Vinod P Patil (Bebabai P Koli (Sapkale)	Family Pension	One More Last Chance Filing Affidavit in Reply <u>Ref Order</u> <u>Dtd.</u> <u>09.11.2022</u>	24.08.2023
2	OA491/21	A'bad	Adv Vijay V Deshmukh (Bhagwan S Naik)	Recovery/ Refund of Recoered Amount	For Filing Affidavit in Reply R-5	24.08.2023
3	OA223/22	N'bar	Adv A S Bayas <u>Adv A S Bayas Has</u> <u>Filed Leave Note On</u> <u>14.07.2023</u> (Rahul V Padvi)	Compassionate Appointment	Reply Filed By R-1 to R-5 & For Filing Affidavit in Rejoinder	24.08.2023
4	OA339/22	A'bad	Adv J S Deshmukh (Shahurao A Kakade)	Dorection / Re-fixation of Pay/Arrears	For Filing Affidavit in Rejoinder	24.08.2023
5	OA964/22	Nanded	AdvAvinash S Deshmukh (Vijaykumar M Nawale) <u>V B Wagh For R-5</u>	Deemed Date of Promotion	Await Service	24.08.2023

6	OA1111/22	Beed	Adv P V Suryawanshi (Nandkishor A Awile)	Compassionate Appointment	As a Last Chance For Filing Affidavit in Reply	24.08.2023
7	OA30/23	P'rbn	Adv S D Joshi (Prahlad G Ranveer) <u>Adv S B Mane For R- 2 & R-3</u>	Recovery	For Filing Affidavit in Reply	28.08.2023
8	OA74/23	A'nagar	Adv V B Wagh (Vilas G Dhole)	Directions/ Pension & Pensionery Benefits	For Reply	31.07.2023
9	OA213/23	Nanded	Adv V G Pingle (Chandrakant K Awachar)	Transfer	For Filing Affidavit in Rejoinder	25.07.2023
10	OA353/23	P'rbn	Adv V G Pingle (Satyabhama R Ubale)	Recovery/ Refund of Recovered Amount	For Reply	28.08.2023
11	OA393/23	A'bad	AdvKiran G Salunke (Shivaji G Wadje)	Transfer	By Way of Last Chance For Filing Affidavit in Reply	19.07.2023
12	OA471/23	Nanded	Adv V B Dhage (Govind S Surewad)	Transfer	Await Service	31.07.2023
13	OA512/23	Jalgaon	Adv C V Dharurkar (Jaykumar R Koli)	Transfer	For Reply	04.08.2023
Order Matters						
14	MA346/21 In OASt904/21	P'rbn	Adv U P Giri/ Adv S L Puri (Kantabai C Narwade&Ors.)	M.A For Condonation of Delay	Await Service R-4 & R-5 & For Filing Affidavit in Rejoinder	28.08.2023
15	MA351/21 In OASt1391/21	A'bad	Adv A S Deshpande (Dr.Surekha S Tatala)	M.A For Condonation of Delay	Await Service	28.08.2023
16	MA208/22 In OASt794/21	A'bad	Adv A V Sakolkar (Vishwash R Nimbalkar)	M.A For Condonation of Delay	Reply Filed By R-2	28.08.2023

17	MA292/22 In OAS1116/22	A'bad	Adv S B Solanke (Shaikh Imran Shaikh Ahmed)	M.A For Condonation of Delay	For Filing Affidavit in Reply	28.08.2023
18	MASt533/22 In OAS1943/22	A'bad	AdvPradeepTambde (Anil Y Kalkhe)	M.A For Condonation of Delay	For Reply	28.08.2023
19	MA133/23 In OAS264/23	A'bad	Adv A S Bayas <u>Adv A S Bayas Has Filed Leave Note On 14.07.2023</u> (Yashoda A Rathod&Ors.)	M.A For Condonation of Delay	For Reply	28.08.2023
20	MA135/23 In OAS266/23	A'bad	Adv A S Bayas <u>Adv A S Bayas Has Filed Leave Note On 14.07.2023</u> (SahebjaanGulab@ BabuTadvi&Ors.)	M.A For Condonation of Delay	Await Service R-3 & R-4	28.08.2023
21	MA137/23 In OAS306/23	A'bad	Adv A S Bayas <u>Adv A S Bayas Has Filed Leave Note On 14.07.2023</u> (Chaya K Avhad&Ors.)	M.A For Condonation of Delay	For Reply	28.08.2023

ORIGINAL APPLICATION NO. 613 OF 2023

(Shri Vishal Sahebrao Shelke Vs. the state of Maharashtra & Ors.)

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

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

DATE : 14.07.2023

ORAL ORDER :

Heard Shri A.R. Gaikwad, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Applicant has been selected through M.P.S.C. for the post of State Tax Inspector. The applicant had applied from O.B.C. Sports Category. The M.P.S.C. recommended the name of the applicant vide its letter dated 20.12.2022. However, subsequently vide communication dated 05.06.2023 the applicant was informed that before issuing the letter of appointment, the verification of his sport certificate was necessary and accordingly, the necessary actions were taken by the State Government wherein it is noticed that the validity given for the sport played by the applicant has been cancelled in re-verification and in the

circumstances, the applicant is held ineligible to be appointed.

3. Learned counsel for the applicant submitted that the applicant is quite sure about validity of his certificate and has placed on record the relevant documents in support of his said contention. Learned counsel for the applicant in the circumstances has prayed for direction against the respondents not to fill up one post reserved for O.B.C. Sports Category till decision of the present Original Application.

4. Learned P.O. for the respondents has opposed for grant of any such relief. Learned P.O. submitted that big scam was unearthed pertains to validity certificates issued to the candidates applying for the Sports Category. He, further, submitted that so far as the present applicant is concerned, his sport validity has been cancelled in re-verification and as such the applicant cannot claim appointment on such post. Learned P.O. for the respondents in the circumstances, while seeking time for filing detailed affidavit in reply, has opposed for grant of any interim relief.

5. Learned counsel for the applicant pointed out that in the similar circumstances, this Tribunal in the case of **Muzaffar Mustafa Shah Vs. State of Maharashtra & Ors.** in **O.A.No. 464/2023** has passed the interim order thereby making the appointments subject to outcome of the said petition. Learned counsel for the applicant submitted that at least similar order can be passed in the present matter.

6. In view of the submissions made it appears to me that both the parties require to give opportunity to substantiate the respective contentions. In the circumstances, it would be appropriate to grant same interim relief as has been granted by this Tribunal in the matter of **Muzaffar Mustafa Shah Vs. State of Maharashtra & Ors.** in **O.A.No. 464/2023.** Hence, the following order:-

ORDER

(i) Issue notice to the respondents, returnable on 17.08.2023. **Meanwhile, if further process is followed and appointment is made on the post to which the applicant is claiming right, such**

appointment shall be subject to outcome of the present Original Application.

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

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

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

(v) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are

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O.A.613/2023

directed to file affidavit of compliance and notice.

(vi) S.O. to 17.08.2023.

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

VICE CHAIRMAN

SAS ORAL ORDER 14.07.2023

ORIGINAL APPLICATION ST.NO. 760 OF 2023

(Shri Sheshrao Laxman Wagatkar Vs. the state of Maharashtra & Ors.)

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

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

DATE : 14.07.2023

ORAL ORDER :

Heard Shri O.D. Mane, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The office has raised objection about the limitation. It seems that considering the date of inflicted punishment i.e. of the year 2015, the office has raised such objection.

3. Learned counsel Shri O.D. Mane invited my attention to the provisions of the Bombay Police (Punishment and Appeals) Rules, 1956 and more particularly Rules 17 and 18 respectively that the applicant is having an authority first to prefer an appeal and thereafter to file revision and accordingly, the applicant has invoked the said forums. Learned counsel for the applicant submitted that lastly on 04.04.2022, the Hon'ble Minister has declined to interfere in the order of punishment and

though the applicant thereafter has filed revision, even if the date 04.04.2022 is concerned, the present application is filed well within the period of limitation.

4. Learned P.O. for the respondents has opposed the submissions made on behalf of the applicant. Learned P.O. submitted that after the order of punishment was passed, the applicant kept quiet for about 6 years and preferred the proceedings in the year 2023 itself. The applicant has not given any explanation of the said intervening period of six years. According to the learned P.O., the present application cannot be said to have been filed within the period of limitation.

5. I have duly considered the submissions made on behalf of the learned counsel for the applicant and learned P.O. I have also gone through the provisions of the Bombay Police (Punishment and Appeals) Rules, 1956, I have perused the order passed by the appellate and revisional authority.

6. Even if the contention of the learned P.O. is accepted that the applicant preferred the appeal and review belatedly, once they have been entertained by

the respective authorities and have been decided on merits, that delay occurred in filing those appeal or review cannot be considered as delay in filing the present Original Application. In the circumstances, the objection raised as about the limitation cannot be sustained. The Original Application is held to have been filed within the period of limitation.

7. Issue notice to the respondents, returnable on 07.09.2023.

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

9. 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.

10. 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.

//4// O.A.St. 760/2023

11. 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.

12. S.O. to 07.09.2023.

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

VICE CHAIRMAN

SAS ORAL ORDER 14.07.2023

**M.A.ST.NO.1324/2023 IN O.A.ST.NO.1325/2023
(Dashrath L. Shelke Vs. State of Maharashtra & Ors.)**

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 14-07-2023

ORAL ORDER :

Heard Shri Dhananjay Naik, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officers for the respondent authorities.

2. Applicant has not removed the objection raised by the office in the present matter in respect of territorial jurisdiction.
3. Hence, S.O. to 17-07-2023.

YUK ORAL ORDER 14.07.2023

VICE CHAIRMAN

M.A.NO.315/2023 IN O.A.ST.NO.1327/2023
(Sambhaji M. Zaware Vs. State of Maharashtra & Ors.)

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 14-07-2023

ORAL ORDER :

Heard Shri Dhananjay Naik, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officers for the respondent authorities.

2. This is an application filed by the applicant seeking condonation of delay which has occasioned in filing the present O.A. Delay is stated to be of 102 days. Reasons are recorded in paragraph 3, 4 and 5 of the M.A.

3. Learned P.O. submitted for passing appropriate order.

4. Considering the reasons which are assigned by the applicant in the application which according to him are just and sufficient, the delay is condoned. O.A. be registered in accordance with law after removal of office objections, if any.

O.A.ST.NO.1327/2023
(Sambhaji M. Zaware Vs. State of Maharashtra & Ors.)

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 14-07-2023

ORAL ORDER :

Heard Shri Dhananjay Naik, learned Counsel for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant at the outset submitted that the case of the applicant is identical with the cases of the applicants in O.A.No.1136/2023 & Ors. wherein this Tribunal has passed the detailed order on 04-07-2023 and has granted interim relief in favour of the applicants therein thereby directing the Maharashtra Public Service Commission (MPSC) to interview the said candidates. Learned Counsel submitted that the applicant is working as Extension Officer (Education) and can very well be considered and held eligible considering his appointment to the post of Deputy Education Officer. Learned Counsel submitted that the applicant has passed the

written examination and has secured more marks than the cut-off. In the circumstances, learned Counsel has prayed for similar order passed in O.A.St.No.1136/2023 & Ors.

3. Learned P.O. has not disputed the facts as are stated by the applicant, however, has prayed for time to file affidavit in reply. In view of the submissions made, following order is passed:

ORDER

- (i) After registration of O.As., issue notice to the respondents, returnable on 27.07.2023.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

(vi) The M.P.S.C. is directed to issue the interview letter to the applicant in this O.A. on his e-mail address, which has been provided by the applicant in his application form or on his WhatsApp and to permit the applicant to attend the interview on the date scheduled for him.

(vii) It is clarified that while the applicant shall be interviewed on merits, the result of

the interview shall be subject to outcome of present Original Application.

(viii) Learned C.P.O. to communicate the present order to M.P.S.C. on Fax or by any other fastest mode of communication.

(ix) List the matter on 27-07-2023 for filing affidavit in reply by the respondents.

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

ORIGINAL APPLICATION NO.600/2023
(Shamla w/o. Shivaji Ekhande Vs. State of Maharashtra & Ors.)

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 14-07-2023

ORAL ORDER :

Heard Shri P.M.Nagargoje, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. Applicant has filed the present O.A. seeking quashment of the chargesheet dated 27-11-2018. It is the contention of the learned Counsel for the applicant that the charges levelled against the applicant in the criminal case pending against her and the charges in the departmental enquiry are *pari materia* the same and same witnesses cited in the criminal case are cited as witnesses in the departmental proceedings. Learned Counsel in the circumstances has prayed for interim relief thereby directing the respondents not to proceed with the departmental enquiry further and more particularly postpone the examination of witness by name Rangrao Devidas Sosayya, who has acted

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O.A.NO.600/2023

as panch in the trap conducted against the applicant in the case under Prevention of Corruption Act.

3. Learned P.O. has opposed for grant of any such interim relief. Learned P.O. pointed out that one of the panch witnesses, namely, Anant Gangadharrao Manekar and complainant Balaji Kashirao Shete have been already examined in the departmental proceeding and they have also been cross-examined by the delinquent i.e. the present applicant. Learned P.O. submitted that in the circumstances there remains no propriety in accepting the request of the applicant for postponing the evidence of another panch witness.

4. After having heard learned Counsel for the applicant and the learned P.O. for respondent authorities, I see no reason for accepting the request of the applicant for grant of interim relief. Learned P.O. has correctly pointed out that one of the panch witnesses and the complainant who have been examined in the departmental proceedings have also been cross-examined by the applicant. In the circumstances, contention of the applicant that if another panch witness is examined the defence of

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O.A.NO.600/2023

the applicant which is intended to be taken in the criminal case will be disclosed, does not appear to be convincing. In the circumstances, I am not inclined to grant the interim relief as prayed for by the applicant.

5. Issue notices to the respondents, returnable on 05-09-2023.

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

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

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

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O.A.NO.600/2023

9. 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.

10. S.O. to 05-09-2023.

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

VICE CHAIRMAN

YUK ORAL ORDER 14.07.2023

DATE : 14.07.2023

ORIGINAL APPLICATION NO. 622 OF 2023

(Smt. Shobha B. Jadhav Vs. The State of Maha. & Ors.)

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

1. Shri Avinash Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **21.08.2023**. The case be listed for admission hearing on **21.08.2023**.

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

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

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

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

REGISTRAR

DATE : 14.07.2023

ORIGINAL APPLICATION NO. 608 OF 2023

(Smt. Asha K. Adode & Anr. Vs. The State of Maha. & Ors.)

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

1. Shri Avinash Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **21.08.2023**. The case be listed for admission hearing on **21.08.2023**.

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

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

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

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

REGISTRAR

ORIGINAL APPLICATION NO. 619 OF 2023
(Bhagwan S. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2023

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 04.08.2023.

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. The respondents shall positively file affidavit in reply on the given date.

8. S.O. to 04.08.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 213 OF 2023
(Chandrakant K. Awachar Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2023

ORAL ORDER :

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

2. Rejoinder affidavit is not to be filed.
3. S.O. to 25.07.2023 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 393 OF 2023
(Shivaji G. Wadje Vs. State of Maharashtra & Ors.)

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

DATE : 14.07.2023

ORAL ORDER :

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

2. Today the respondents were expected to file affidavit in reply. Learned Presenting Officer, however, has prayed more 4 days' time to file affidavit in reply.

3. Shri K.G. Salunke learned counsel appearing for the applicant submitted that according to the instructions from his client, one Shri Yadav Kisanrao Dhale, who is presently working at Jalna and was transferred at Jalna in the year 2022 is likely to be posted at Nanded, to which the applicant has given first preference. Learned counsel in the circumstances has prayed for some orders, so that in the intervening period nobody is appointed on the said place. Learned counsel submitted that till today nobody has been posted on the said post. No such order can be passed, however the facts have been recorded, which may be considered appropriately while deciding the matter finally.

4. In the circumstance, time is granted for filing affidavit in reply.

5. S.O. to 19.07.2023.

VICE CHAIRMAN

**M.A. St. No. 1332/2023 in O.A. St. No. 1333/2023
(Bhagatsingh U. Singal & Ors. Vs. State of Maharashtra & Ors.)**

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

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

DATE : 14.07.2023

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for respondent authorities.

2. Learned counsel appearing for the applicants seeks adjournment stating that he will require to file Misc. Application seeking amendment in the O.A. In the circumstances, adjournment is granted as prayed for

3. S.O. to 24.07.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 06 OF 2023
(Panurang G. Lomole Vs. State of Maharashtra & Ors.)

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

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

DATE : 14.07.2023

ORAL ORDER :

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

2. S.O. to 07.08.2023 for admission. Interim relief
granted earlier to continue till then.

VICE CHAIRMAN

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

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

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

DATE : **14.07.2023**

ORAL ORDER :

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

2. S.O. to 07.08.2023 for filing affidavit in reply on
behalf of respondent Nos. 1 & 4.

3. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 547 OF 2022
(Ganesh S. Chavan Vs. State of Maharashtra & Ors.)

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

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

DATE : 14.07.2023

ORAL ORDER :

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

2. S.O. to 02.08.2023 for hearing. Interim relief
granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 64 OF 2022
(Bhimrao K. Gaikwad Vs. State of Maharashtra & Ors.)

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

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

DATE : 14.07.2023

ORAL ORDER :

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

2. S.O. to 02.08.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

C.P. No. 41/2023 in O.A. No. 721/2021
(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)
(Speaking to minutes)

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

DATE : 14.07.2023

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondent authorities.

2. This is motion for speaking to minutes.

3. Learned counsel for the applicant submitted that in the order passed on 10.07.2023 inadvertently leave is stated to be sought for substituting name of respondent No. 3 instead of respondent No. 4. Word respondent No. 3, therefore, be substituted with respondent No. 4.

4. It is therefore, directed that in para No. 2 of the order dated 10.07.2023 in place of 'respondent No. 3' it be corrected as 'respondent No. 4' and corrected copy be issued.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 512 OF 2023
(Jaykumar R. Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 14.07.2023

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondent authorities, are present.

2. Learned P.O. has sought time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 04.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 150/2023
(Shri Ramchandra C. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri Prakash G. Gunale, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has tendered across the bar an affidavit along with one document. It is taken on record and copy given to other side.
3. Issue notice to respondents, returnable on 25.8.2023.
4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
8. S.O. to 25.8.2023.
9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. NO. 304/2023 IN O.A. ST. NO. 864/2023
(Vanil B. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 28.8.2023.

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 28.8.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 604/2023
(Shri Bhagwan S. Avhad Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 605/2023
(Shri Bhausahab N. Falke Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 606/2023
(Shri Sudhir B. Markad Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicants in all these matters and S/shri I.S. Thorat, M.P. Gude & D.R. Patil, learned Presenting Officers for the respondent authorities in respective matters.

2. Issue notice to respondents in all these matters., returnable on 28.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. 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.
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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 28.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 618/2023
(Shri Kishor A. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

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. Issue notice to respondents, returnable on 31.7.2023. **In the meanwhile it would be open for the respondents to consider the representation of the applicant on its own merit.**

3. The affidavit in reply is to be necessarily filed by the next date.

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

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

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

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

8. S.O. to 31.7.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 620/2023
(Smt. Anita J. Bhaltilak Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

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 31.7.2023.
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 31.7.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. ST. NO. 1213/2023 IN O.A. ST. NO. 1214/2023
(Smt. Sunanda R. Lokhande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

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

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

VICE CHAIRMAN

O.A. ST. NO. 1214/2023

(Smt. Sunanda R. Lokhande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. **Keeping the point of limitation open**, issue notice to respondents, returnable on 29.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. 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.
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. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 29.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 871/2022
(Shri Santosh A. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel holding for Shri N.R. Pawade, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The learned counsel submits that the applicant does not wish to file the rejoinder affidavit.

3. List the matter for hearing on 28.8.2023.

VICE CHAIRMAN

M.A. NO. 307/2023 IN O.A. ST. NO. 1057/2023
(Smt. Jayashri U. Tribhuvan Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri S.S. Kulkarni, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in the Misc. Application, returnable on 28.8.2023.

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 28.8.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 598/2023
(Dr. Jitendra G. Jaikwal Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 599/2023
(Dr. Devendra R. Jaybhaye Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri S.B. Bhosale, learned counsel for the applicants in both these matters and Shri D.R. Patil & Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent authorities in respective matters.

2. Issue notice to respondents in both the matters, returnable on 4.8.2023.

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

4. 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.

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

7. S.O. to 4.8.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 603/2023
(Shri Gutam B. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

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

2. The applicant retired on 30.4.2022, however, till today his pension papers are not forwarded to the Accountant General's Officer. The amount of gratuity was also not paid within time. The gratuity amount, however, has been paid after deducting the loan amount, which the applicant owing towards the Government Servants' Co-operative Bank. In view of the submissions made the following order is passed:-

ORDER

Issue notice to respondents, returnable on 25.8.2023.

2. The respondents shall show cause why the pension papers of the applicant are not yet finalized and forwarded for necessary further action.

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 25.8.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 74/2023
(Shri Vilas G. Dhole Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

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

2. Respondent no. 1 has already filed the affidavit in reply. The learned counsel for the applicant submits that the applicant does not wish to file the rejoinder affidavit.

3. Hence, list the matter for hearing on 31.7.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1111/2022
(Shri Nandkishor A. Awite Vs. State of Maharashtra & Ors.)

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

DATE : 14.7.2023

ORAL ORDER :

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

2. In the present matter despite last chance given to the respondents the affidavit in reply has not been filed.

3. List the matter for hearing on 24.8.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1005/2019

(Dr. Benazeer Shobha Shriram Jadhav Vs. State of Maharashtra & Ors.)

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

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

DATE : 14.7.2023

ORAL ORDER :

Heard Ms. Rutuja Kulkarni, learned counsel holding for Shri M.R. Kulkarni, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has tendered across the bar the communication dated 12.7.2023 received from the applicant. The same is taken on record. The learned counsel submits that in view of the request made by the applicant, she may be permitted to withdraw the present Original Application. Hence, the following order :-

ORDER

The Original Application stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

M.A. NO. 314/2023 IN O.A. NO. 107/2023
(Shri Sanjay V. Nagamwad & Ors. Vs. State of Maharashtra & Ors.)

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

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

DATE : 14.7.2023

ORAL ORDER :

Heard Shri Jiwan Patil, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Present Misc. Application is filed seeking leave to bring on record the final seniority list published of the cadre of Naib Tahsildars and some related facts. The applicants are also intending to place on record some subsequent events and more particularly the directions issued vide letter dated 22.5.2003. The learned counsel for the applicants submits that the final seniority list is published in the month of June, 2023. The learned counsel further submitted that the applicants are already entered in the cadre of Naib Tahsildars, however, their names are not shown in the final seniority list of Naib Tahsildars. Learned counsel further submitted that apart from

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NO. 107/2023**

that their names are not included in the final seniority list, directions are now issued which may result in reversion of the applicants to the post of Circle Officer. Learned counsel in the circumstances, prayed for allowing the M.A. for amendment and also to grant interim relief, thereby restraining the respondents not to revert the applicants till the decision of the O.A.

3. Shri M.P. Gude, learned Presenting Officer has strongly opposed for allowing such amendment stating that it will change the entire nature of the O.A. Learned P.O. submitted that all such pleadings could have been taken in anticipation by the applicants in their O.A. Now they cannot be permitted to make any such amendment in the O.A.

4. I have duly considered the submissions made on behalf of the applicants, as well as, the respondents. In the O.A. the applicants have prayed for quashment of the final seniority list of the cadre of Circle Officers published vide Circular dated 20.9.2022, wherein their names are alleged to be shown below their juniors. Now it is the case of the applicants

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NO. 107/2023**

that after filing of the O.A. provisional seniority list of the cadre of Naib Tahsildars came to be published and since their names were not included therein, they submitted their objections to the said list. It is their further contention that the objections so raised have not been appropriately considered by the respondents and in the final seniority list also the names of the applicants are not included. Learned counsel submits that these facts need to be brought on record since these are in continuation of earlier grievance raised by the applicants. There appears substance in the contention so raised by the applicants. Since all these events have occurred after filing of the O.A. by the applicants, the same could not have been incorporated in the O.A. As stated in the O.A., the applicants are already in the cadre of Naib Tahsildars and have been confirmed on the said post. In such circumstances, if their names are not found first in the provisional seniority list and thereafter in the final seniority list of the cadre of Naib Tahsildars, it cannot be said that applicants cannot bring on record the said circumstances, on the ground that it will change the

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NO. 107/2023**

nature of O.A. The contents sought to be incorporated and contextual prayers are quite inconsonance with the O.A.

5. Learned counsel for the applicants submitted that in view of letter dated 22.5.2023, applicants apprehend their reversion. Learned counsel, therefore, prayed for interim order against the respondents not to revert the applicants from their present posts of Naib Tahsildars until further orders from this Tribunal.

6. I see substance in the contention so raised and prayer so made. In identical matter this Tribunal has granted such relief to the similarly situated candidates. Hence, I pass the following order: -

ORDER

(i) The Misc. Application stands allowed.

(ii) The necessary amendment be carried out in the O.A. within two weeks from today and copy of amended O.A. be supplied to other side.

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NO. 107/2023**

(iii) It would be open for the respondents to submit additional reply to the amended portion of O.A.

(iv) The respondents shall not revert the applicants from the present post of Naib Tahsildar until further orders by this Tribunal.

(v) There shall be no order as to costs.

(vi) The O.A. to come up on board on 7.8.2023.

VICE CHAIRMAN