

ORIGINAL APPLICATION NO. 299 OF 2024
(Ramesh M. Ade Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and copy thereof is given to other side.

3. List the matter for filing rejoinder affidavit, if any and for admission hearing on 10.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 376 OF 2024
(Vidya U. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 25.04.2024 for filing affidavit in reply on behalf of respondents. Status quo granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 278 OF 2024
(Chandrakant N. Hajari Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 16.04.2024 for hearing in **urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 233 OF 2020
(Arun A. Ghate Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Heard Smt. Sanjivani A. Ghate-Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 4.

2. It is a part heard matter. At the request of learned Presenting Officer and learned counsel for respondent No. 4, S.O. to 29.04.2024 for further hearing.

MEMBER (J)

M.A. No. 78/2022 in O.A. St. No. 293/2022
(Vaishali B. Tote Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondents during the course of the day. In the peculiar facts of the case, leave granted.

3. Learned counsel for the applicant in compliance with the order dated 20.03.2024 submits synopsis of events. Same is taken on record.

3. List the matter for filing rejoinder affidavit if any and for hearing on 02.05.2024.

MEMBER (J)

M.A. No. 180/2023 in OA St. No. 644/2023
(Kamlesh G. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.04.2024

**MA 214/2022 with MA 148/2021 in OA St. 481/2021
(Anita P. Gitey Vs. State of Maharashtra & Ors.)**

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

DATE : 15.04.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.04.2024

M.A. No. 373/2023 in O.A. St. No. 1267/2023
(Rameshwar S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and for Shri Shamsunder B. Patil, learned counsel for respondent No. 3, are present.

2. Learned counsel for respondent No. 3 submits affidavit in reply on behalf of respondent Nos. 2 and 3 in M.A. Same is taken on record and copy thereof is given to other side.

3. List the matter for filing rejoinder affidavit, if any and for hearing on 06.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 508 OF 2017
(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. A.N. Ansari, learned counsel for the applicant (**Absent**).

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

2. Learned Presenting Officer submits that she has no instructions regarding the present status of SLP as referred in the order dated 10.01.2024.

3. This Tribunal has already directed the office to keep this matter in dormant files with the periodical review of status of said SLP.

4. The parties are directed to take instructions about the present status of the said SLP.

5. S.O. to 08.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 498 OF 2023
(Ratnakala M. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer on instruction in writing from the respondent authorities submits that by order dated 12.04.2024 the applicant has been given provisional pension for a period of six months i.e. from 01.08.2021 to 31.01.2022 and the provisional pension for remaining period commencing from 01.02.2022 till this date is under consideration. Learned Presenting Officer has assured this Tribunal that the same will be made clear on the next date of hearing. Copy of the said order dated 12.04.2024 along with certain documents are taken on record and marked as document 'X' collectively for identification.

3. S.O. to 06.05.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 61 OF 2023
(Madhav D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. By consent, S.O. to 08.05.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1025 OF 2022
(Azizkhan Yusufkhan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits written notes of arguments. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned counsel for the applicant submits that he has no further say in connection with the written notices of arguments submitted by the learned Presenting Officer, as he has already filed his written notices of arguments.

4. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 307 OF 2023
(Sarika B. Wandhekar Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 451 OF 2023
(Dr. Vidhya B. Sarpe Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions submits that the applicant has been given fresh posting as per the convenience of the applicant. Learned counsel however seeks time to take specific instructions in this regard in writing from the applicant. Time granted.

3. S.O. to 25.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 527 OF 2023
(Vidya A. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri U.A. Khekale, learned counsel for respondent Nos. 3 and 4, is **absent**.

2. Learned Presenting Officer submits that the original record in connection with the present Original Application is received.

3. Learned counsel for the applicant seeks time to go through the said record. Time granted.

4. S.O. to 25.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 647 OF 2023
(Subodh G. Khillare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 16.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 657 OF 2023
(Laxmi N. Dhotre Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 702 OF 2023
(Pralhad K. Ugale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. S.T. Jadhav, learned counsel holding for Shri S.A. Nagarsoge, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri U.S. Mote, learned counsel for respondent No. 8, Smt. Jayshree Gite, learned counsel for respondent No. 9, Shri Pradeep Shahane, learned counsel for respondent No. 10 and Shri Y.T. Kshirsagar/T.S. Londhe, learned counsel for respondent No. 11, are **absent**.

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

3. S.O. to 28.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 776 OF 2023
(Dr. Prakash L. Gattani Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent No. 2, are present.

2. At the request of learned Presenting Officer, S.O. to 07.05.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 834 OF 2023
(Dr. Balasaheb S. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to comply with the directions given in the order dated 11.03.2024. Time granted.

3. S.O. to 25.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 900 OF 2023
(Ankush T. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri B.S. Deshmukh, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.P. Sartale, learned counsel for respondent No. 5, are present.

2. As none present for the applicant, S.O. to 28.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2024
(Madhukar R. More Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Though the respondent authorities have not filed affidavit in reply in the present Original Application, learned Presenting Officer is directed to call the record and proceedings and keep the respondent No. 2 present in person before this Tribunal on the next date of hearing. In case if learned Presenting Officer gets specific instructions from the respondents with regard to the issue raised in this O.A., respondent No. 2 need not be remained present in person before this Tribunal.

3. S.O. to 25.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 335 OF 2024
(Geeta M. Bagawade Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits additional affidavit of the applicant along with annexures and in terms of the Annexure AA-1, it appears that so far as duty at Cyber Police Station is concerned, as per the departmental communication itself, the said duty at Cyber Police Station is not directly connected with the elections. Same is taken on record and copy thereof is given to learned C.P.O.

3. At the request of learned C.P.O., S.O. to 17.04.2024 **high on board.**

MEMBER (J)

O.A. Nos. 1015, 1016, 1017 & 1019 all of 2019
(Sakharam R. Ranbavle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicants, S.O. to 10.05.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 347 OF 2020
(Jitendra B. Raipure Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. Asha Gore, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 27.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 415 OF 2024
(Rajesh Eknath Jagdhane Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. At the request of learned counsel appearing for the applicant, S.O. to 02.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 410 OF 2024
(Ajay Chandrakant Udate Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. At the request of learned counsel appearing for the applicant, S.O. to 23.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 393 OF 2024

(Dr. Shaikh Wahab S/o. Ayub Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 15.04.2024

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 13.06.2024.

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 13.06.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 786 OF 2023
(Dattatraya Prabhakar Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri D.G. Kamble, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Presenting Officer for respondent authorities, is present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record.

3. S.O. to 19.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 752 OF 2023
(Dr. Amol Narendra Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. Poonam V. Bodke Patil, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Presenting Officer for respondent authorities, are present.

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the mater for hearing on 20.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

M.A.NO. 282/2023 IN O.A.NO. 453/2018
(Balasaheb R. Mendhekar & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 283/2023 IN O.A.NO. 454/2018
(Balaji Bhagwan Budhwant & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities in both the matters, are present.

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent Nos. 1 to 3 in both the MAs and the same is taken on record. The copy of the same has been served on the other side.

3. List these matters for hearing on 18.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

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

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered sur-rejoinder and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 19.04.2024

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 919 OF 2023
(Bhauasaheb Baban Sable Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant does not wish to file any rejoinder affidavit.

3. In view of above, list the matter for hearing on 19.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

C.P.NO. 57/2023 IN O.A.NO. 317/2023
(Triyambak Gyanoba Mehatre Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar communication dated 12.04.2024 received to the office of Chief Presenting Officer from the office of Charity Commissioner, Mumbai. Three weeks' time is sought for filing sur-rejoinder. Nothing is explained as to on what account sur-rejoinder is to be filed. Moreover, no such time can be granted when the contempt petition is heard on some occasions by the Tribunal. Learned P.O. has now sought two days' time to make further submissions. The said request deserves to be granted. The matter be listed on 17.04.2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 930 OF 2022
(Shagir Rustum Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri S.T. Jadhav, learned counsel holding for Shri P.D. Suryawanshi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. S.O. to 26.04.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 931 OF 2022
(Jubirruddin Hamidoddin Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri S.T. Jadhav, learned counsel holding for Shri P.D. Suryawanshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for respondent authorities, are present.

2. S.O. to 26.04.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 283 OF 2024
(Nitesh Trimbak Jarwal Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 19.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 794 OF 2022
(Ishwar Shatrughna Survase Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. S.O. to 30.04.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

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

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

DATE : 15.04.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities and Shri Vishal Rathod, learned counsel holding for Shri Shamsundar B. Patil, learned counsel for respondent No. 4, are present.

2. S.O. to 30.04.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 892 OF 2018

(Dhananjay Durgadas Chandodkar & Ors. Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 901 OF 2018

(Bhagwat Shivaji Somase Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 15.04.2024

ORAL ORDER :

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

2. S.O. to 29.04.2024. The interim relief granted earlier in O.A. No. 892/2018 to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 913 OF 2023
(Bhauasaheb Raosaheb Sarawade Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. S.O. to 29.04.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 864 OF 2023
(Amarsingh Rajabalisingh Hazari Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. S.O. to 29.04.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 754 OF 2022
(Akash S/o Kumar Chougule Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. S.O. to 30.04.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 202 OF 2024
(Ashok Sambhaji Rode Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. The applicant has filed the present Original Application with the following prayers: -

A] The Respondent No. 2 may kindly be directed to re-assessment and revaluation of Answer-sheet of Question Papers I and II, for the examination conducted by Respondent No. 2 on 11/09/2022 for the post of Assistant Public Prosecutors.

B] The Respondent No. 2 to may kindly be directed to recommend the applicant's name for the post of Assistant Public Prosecutor to the Respondent No. 1 for further process of appointment in the event of increase in marks of applicant.

C] Any other suitable and equitable relief may kindly be granted in favour of applicant.

INTERIM RELIEF SOUGHT, IF ANY:

A] Pending hearing and final disposal of this Original Application, the Respondents may kindly be directed to keep the one post vacant of Assistant Public Prosecutor to the Respondent No. 1.

B] Ad-interim relief in terms of prayer clause 'A' may kindly be granted."

3. Learned counsel appearing for the applicant submits that he has placed on record copy of answer-sheet of the applicant. It is the contention of the learned counsel that the applicant must have been given much more marks than are given to the answers recorded by the applicant and, as such, the prayer has been made for re-assessment of the examination papers. Learned counsel could not point out any provision which enables the candidates for asking re-assessment of the answers in such examinations. In absence of any such provision brought to our notice there is no case even for issuance of notice to the respondents. It appears to us that in such matters relief as has been prayed by the applicant cannot be granted in favour of the applicant. As such, we deem it appropriate to dismiss the present O.A. even without issuing notice to the other side. Hence, the following order: -

:: - 3 - ::

O.A. NO. 202/2024

ORDER

The Original Application is summarily rejected. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 15.04.2024-HDD

ORIGINAL APPLICATION NO. 425/2024
(Smt. Urmila B. Chothe Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. S.O. to 17.04.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 15.04.2024

C.P. ST. NO. 362/2024 IN O.A. NO. 208/2021
(Dnyaneshwar B. Biradar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. Vinaya Muley, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Matter is removed from the Board.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 932/2023
(Saraswati K. Makne & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Heard Shri S.G. Nandedkar, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent nos. 4 & 5.

2. Learned Presenting Officer submits that the applicants have carried out amendment on the previous date and have thereby raised challenge to the Government Resolution dated 04.05.2023. Learned P.O. submits that to the said amended portion reply of the respondents is necessary and seeks time to file reply to the said portion. The request is opposed by the learned counsel for the applicants. However, in the interest of justice, time is granted of 10 days.

3. S.O. to 25.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.981/2023
(Swati Shivajirao Maknikar Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. Swati Shivajirao Maknikar – applicant party in person and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Though this matter is not on today's board, it is taken on board on request of applicant.

3. Party in person has submitted written notes of arguments. Same are taken on record. Copy thereof be provided to the learned P.O.

4. O.A. is already fixed for hearing on 24-04-2024.

MEMBER (A)
YUK ORAL ORDER 15.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.256/2023
(Subhash Sanjay Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Heard Smt. Poonam Bodke Patil, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. This matter was heard by us for some time. It is the contention of the respondents that under the provisions of new enactment i.e. the Maharashtra Creation of Supernumerary Posts and Appointment of Selected Candidates Act, 2022 supernumerary posts were created for the candidates selected from SEBC category. It is their further contention that since the vacancies were throughout the State, it was also resolved to distribute the said posts and the number of such posts was restricted to every district. It is further contention of the applicant that for Latur district four such candidates were to be given appointment on the supernumerary posts and all such appointments have been made. However,

=2=

O.A.NO.256/23

respondents have not provided the names of those candidates and methodology adopted for giving appointments in favour of those candidates. In view thereof, we direct the respondents to place on record the necessary particulars of procedure adopted for giving appointments on supernumerary posts after the aforesaid Act of 2022 came into force.

3. S.O. to 03-05-2024.

MEMBER (A)

YUK ORAL ORDER 15.04.2024

VICE CHAIRMAN

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

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

DATE : 15.04.2024

ORAL ORDER :

Shri Krushna Solanke, learned Counsel holding for Shri A.L.Lavte, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 14-06-2024.

MEMBER (A)
YUK ORAL ORDER 15.04.2024

VICE CHAIRMAN

T.A.NO.16/2024 IN W.P.NO.1688/2024
(Shivaji Potdar Vs. State of Maharashtra & Ors.)

T.A.NO.17/2024 IN W.P.NO.1701/2024
(Ramesh M. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Heard Shri Krushna Solanke, learned Counsel holding for Shri A.L.Lavte, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned P.O. has tendered final order of punishment passed against the applicants in the present matters. Same is taken on record. Learned Counsel after having perused the said documents got the instructions from the applicants and the applicants have confirmed the receipt of these orders.

3. In view of the facts as above, learned Counsel for the applicants on instructions seeks leave to withdraw both the T.As. with liberty to file fresh T.As. against the final order of punishment. In view of the submissions made by learned Counsel for applicants, following order is passed:

=2= T.A.NO.16/24 & 17/24

ORDER

Applicants are permitted to withdraw the present T.As. with liberty as prayed for subject to provisions of limitation. T.As. are disposed of as withdrawn as such, without any order as to costs.

MEMBER (A)

YUK ORAL ORDER 15.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 381 OF 2024
(Govind A. Kokane Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. In view of absence of learned counsel for the applicant, S.O. to 21.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 411 OF 2024
(Jeevan S. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri S.K. Chavan, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 26.06.2024.

MEMBER (J)

SAS ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 418 OF 2024
(Sainath N. Panchal Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Heard Shri R.R. Bangar, learned counsel holding for S/Shri B.P. Gonare/I.D. Maniyar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 08.05.2024.

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. 418/2024

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

7. Learned P.O. is directed to call the record and proceedings in connection with appointment of respondent No.4 as a Police Patil of village Yewati, Tq. Mukhed, Dist. Nanded.

8. **Needless to say that the appointment of respondent No. 4 as a Police Patil of village Yewati, Tq. Mukhed, Dist. Nanded would be subject to outcome of this Original Application.**

9. S.O. to 08.05.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 517 OF 2022
(Shital A. Gundewad Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri M.B. Kolpe, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel for respondent Nos. 6 to 8, are present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 30.04.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 32 OF 2023
(Babamiya P. Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondent No.5.

3. S.O. to 07.05.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 230 OF 2023
(Rakhi C. Janwale Vs. State of Maharashtra & Ors.)**

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 18.06.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 608 OF 2023
(Asha K. Adode & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 18.06.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 654 OF 2023
(Sangita P. Shete Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that during course of the day affidavit in rejoinder will be filed.

3. List the matter for admission hearing on 08.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 17 OF 2024
(Dr. Yogesh B. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri N.P. Runwal, learned counsel holding for Shri S.B. Bedwal, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 21.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1092 OF 2023
(Mangal B. Gavade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

Shri H.U. Dhage, learned counsel for the applicants and Shri D.M. Hange, 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 07.05.2024.

MEMBER (J)

SAS ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 427 OF 2024
(Idris H. Bagwan Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 21.06.2024.

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. 427/2024

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

7. S.O. to 21.06.2024.

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

MEMBER (J)

SAS ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 428 OF 2024
(Dhananjay D. Gunale Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 21.06.2024.
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. 428/2024

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

7. S.O. to 21.06.2024.

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

MEMBER (J)

SAS ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 432 OF 2024
(Eknath J. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 27.06.2024.

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. 432/2024

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

7. S.O. to 27.06.2024.

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

MEMBER (J)

SAS ORAL ORDER 15.04.2024

ORIGINAL APPLICATION NO. 433 OF 2024
(Ramnath P. Nirmal Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 27.06.2024.

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. 433/2024

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

7. S.O. to 27.06.2024.

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

MEMBER (J)

SAS ORAL ORDER 15.04.2024

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

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Shri P.G. Rodge, learned counsel appears for respondent No.4 and seeks time to file reply.

3. Learned P.O. also waives notices for respondent Nos. 1 to 3 and seeks time to file affidavit in reply. Time granted.

4. The present matter be listed along with O.A.No. 706/2022 on 09.05.2024.

MEMBER (J)

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

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

DATE : 15.04.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. Learned counsel for the applicant seeks time to place on record Government Notification dated 02.02.2009 and judgment and order passed by the Hon'ble High Court of Bombay in Writ Petition No. 2303/2019 in a case of State of Maharashtra Vs. Dr. Rajesh Gaikwad. Time granted.

4. Learned counsel for the applicant has placed today on record the Government Resolution dated 08.11.2023.

5. It is pertinent to note that in the affidavit in reply filed on behalf of respondent Nos. 1 to 3 there is no reference to Government Notification dated 02.02.2009 so also the G.R. dated 08.11.2023.

6. Learned P.O. shall take necessary instructions in this regard and make appropriate submissions on the next date of hearing.

7. S.O. to 29.04.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 585 OF 2022
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. Learned P.O. submits additional affidavit on behalf of respondent Nos. 1 to 5. The same is taken on record and copy thereof is given to other side today itself.

4. Learned counsel for the applicant seeks time to go through the said affidavit and make appropriate submissions on the next date. Time granted.

5. S.O. to 30.04.2024 for further hearing.

MEMBER (J)

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

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

DATE : 15.04.2024

ORAL ORDER :

Shri P.G. Rodge, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.M. Kamble, learned counsel for respondent No.4, are present.

2. This is a part heard matter.

3. The present matter be listed along with O.A.St.No. 870/2024 on 09.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 430 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 15.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant is working as a Police Patil of village Kherda, Tal. Kallam, Dist. Dharashiv. In terms of communication dated 31.05.2023 issued by Police Inspector of Police Station, Kallam, the applicant was to report about any incident of foundation and installation of statue, construction around statue or flag in the village to the concerned police station.

3. Learned counsel for the applicant submits that in connection with the said direction issued by the Police Inspector of police station, Kallam, when the applicant has made an effort to inform the concerned police station about the said activities, certain villagers abused and assaulted the applicant. Accordingly, the applicant filed a complaint in the

//2// O.A. 430/2024

concerned police station and on the basis of his complaint, crime No. 0265/2023 for the offence punishable under Sections 143, 147, 149, 323, 504, 506 of Indian Penal code came to be registered against six accused persons in respect of the incident allegedly occurred on 19.06.2023. Furthermore, the applicant was again assaulted which is almost in the form of attempt to murder and again the applicant filed a complaint in the concerned police station and on the basis of that another crime No. 0272/2023 came to be registered in the concerned police station against 7 accused persons in respect of incident dated 24.06.2023.

4. Learned counsel for the applicant submits that in order to counter these two FIRs, the accused No.1 in the aforesaid crime No. 0272/2023 had lodged false complaint against the applicant and on the basis of said complaint, Crime No. 0268/2023 came to be registered against the applicant on 26.06.2023.

5. Learned counsel for the applicant submits that on the basis of said F.I.R. lodged by one of the accused persons, Sub Divisional Officer, Kallam has

//3// O.A. 430/2024

issued show cause notice to the applicant dated 14.03.2024.

6. Learned counsel for the applicant submits that the applicant has submitted his detailed explanation and pointed out to the respondent No.4 as to how the said F.I.R. filed by one of the accused is counter F.I.R. with some ulterior motive. However, the applicant apprehends that the action will be taken against him without following the due procedure as contemplated under Section 9 of Maharashtra Gram Police Adhiniyam, 1967 and the procedure prescribed in terms of provision 9 (a) of Maharashtra Village Police Patil (Recruitment, Pay, Allowances and other conditions of services) Order, 1968.

7. It appears that the respondent No.4 has issued the said show cause notice by calling upon the applicant to submit his explanation about the allegations made against him and the respondent No.4 has referred the provisions in the show cause notice which is of Section 9 of Maharashtra Gram Police Adhiniyam, 1967. Since the applicant has already submitted his explanation to the said show

//4// O.A. 430/2024

cause notice it would be just and appropriate that the respondent No.4 to take recourse to the provision of Section 9 of Maharashtra Gram Police Adhiniyam, 1967 and 9 (a) of Maharashtra Village Police Patil (Recruitment, Pay, Allowances and other conditions of services) Order, 1968 further if at all any case is made out against the applicant.

8. However, in order to examine the entire issue, issue notice to respondents, returnable on 09.05.2024.

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

10. 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.

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

//5// O.A. 430/2024

12. 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.

13. S.O. to 09.05.2024.

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

MEMBER (J)

SAS ORAL ORDER 15.04.2024