

ORIGINAL APPLICATION NO. 1142 OF 2022
(Smt. Maya Bapu Chabukswar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the sides at admission stage.

3. By filing the present Original Application, the applicant is seeking directions to the respondents to prepare the pension papers of deceased husband of the applicant and submit it to the Accountant General-1, Mumbai and to release all the retirement benefits forthwith. The applicant is also seeking directions to the respondent authorities to decide the proposal dated 02.11/12.2022 in respect of the period from 13.09.1994 to 09.02.2009 for considering as qualifying service and to consider it for pension purpose.

4. Learned counsel for the applicant submits that the said proposal dated 02.11/12.2022 (page No. 49

//2//

O.A. No. 1142/2022

of the paper book) was submitted by the Deputy Director of Health Services, Nashik Circle, Nashik to respondent No. 2 i.e. the Commissioner for Health Services, Mumbai. Learned counsel submits that meanwhile during pendency of the said proposal (which is yet to be decided), the Government has issued G.R. dated 08.11.2023 regularized thereby the ad-hoc services rendered by the similarly situated persons like the deceased husband of the applicant. Learned counsel submits that in light of the said G.R. dated 08.11.2023, the aforesaid proposal at page No. 49 of the paper book dated 02.11/12.2022 can be decided positively. Learned counsel submits that the respondents may be directed to decide the said proposal in terms of G.R. dated 08.11.2023 in a time bound manner.

5. Learned Presenting Officer submits that the respondents may be given liberty to decide the said proposal on its own merits.

6. It appears that in terms of G.R. dated 08.11.2023, prima-facie, the case of deceased husband of the applicant is covered. The proposal

//3//

O.A. No. 1142/2022

dated 02.11/12.2022 (page No. 49 of the paper book) is still pending before the respondent No. 2. If the said proposal is decided in terms of G.R. dated 08.11.2023, the purpose of filing of the present Original Application will be fulfilled.

7. In view of the same, the present Original Application can be disposed of with a direction to the respondent authorities to decide the said proposal as expeditiously as possible. Hence, the following order:-

ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The respondent Nos. 1 and 2 are hereby directed to decide the proposal dated 02.11/12.2022 submitted by the Deputy Director of Health Services, Nashik Circle, Nashik in terms of G.R. dated 08.11.2023, if it squarely covers the case of the deceased husband of the applicant, on its own merits as expeditiously as possible and preferably within a period of three months from the date of this order.

//4//

O.A. No. 1142/2022

- (iii) In the event any adverse order is passed against the applicant, the applicant would be at liberty to approach this Tribunal again.
- (iv) The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

ORIGINAL APPLICATION NO. 595 OF 2024
(Ramesh D. Navsupe Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri K.N. Farooqui, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It appears that the applicant has submitted an application 18.02.2013 for extension / continuation on the post of Police Patil of village Brahmgaon, Tq. Ashti, Dist. Beed. It is the case of the applicant that respondent No. 4 has not considered the same and deprived the applicant since last 10 years to enjoy the post of Police Patil of village Brahmgaon, Tq. Ashti, Dist. Beed, which is reserved for Scheduled Caste category. Further it appears from the annexures that the applicant has again submitted an application on 27.07.2023, which appears to have been considered to some extent by the Sub-Divisional Officer and accordingly, the reports are called. There are no adverse reports against the applicant. His character is good.

//2//

O.A. No. 595/2024

3. In view of the same, learned Presenting Officer is directed to take specific instructions from the concerned respondent/s in this regard as to whether any action taken by the respondent authorities on the application of the applicant submitted way back in the year 2013 and if not, the reasons thereof. Learned P.O. shall also take instructions as to what is the future course of action, since the respondent authorities have already published the advertisement for filling up the post of Police Patil of village Brahmgaon, Tq. Ashti, Dist. Beed along with several other villages without passing any order on the application submitted by the applicant either earlier in the year 2013 or latest in the year 2023.

4. S.O. to 18.07.2024.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

O.A. NOS. 117, 205, 396, 410, 416, 442, 453, 463, 479, 484, 542, 571, 590, 611, 613, 621, 686, 731, 594, 643 ALL OF 2015 & 2, 5, 171, 441, 258 & 519 ALL OF 2016

(Ganendrasingh B. Chandel & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

S/shri J.B. Choudhary, Omprakash Waghmare holding for Shri M.A. Kulkarni, S.B. Sant and H.A. Joshi, learned counsel for respective applicants in respective O.As. and Shri.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present. None present for the applicant in O.A. No. 441/2016

2. Learned Presenting Officer submits that during the course of the day additional affidavit in reply will be filed as directed by this Tribunal.

3. By consent, S.O. to 22.07.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

**O.A. Nos. 531, 554, 557, 582, 632, 830 & 832 all
of 2023**

(Dr. Manohar K. Shelake & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

S/shri S.B. Patil, J.B. Choudhary & M.R. Kulkarni,
learned counsel for the applicants in respective O.As.
and Shri D.M. Hange, learned Presenting Officer for the
respondent authorities in all these O.As., are present.

2. By consent, S.O. to 29.07.2024 for hearing.
Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

ORIGINAL APPLICATION NO. 463 OF 2024
(Shrinivas P. Bhutavale Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri U.B. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.N. Janakwade, learned counsel for respondent No. 6, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 and 4. Same is taken on record and copy thereof is given to other side. Learned P.O. submits that other respondents are going to adopt the affidavit in reply filed on behalf of respondent Nos. 3 and 4.

3. Learned counsel for respondent No. 6 seeks short time to file affidavit in reply. Time granted as a last chance.

4. Learned counsel for the applicant seeks time to file rejoinder affidavit, if any. Time granted.

5. S.O. to 30.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1134 OF 2022
(Ramesh L. Naik Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri A.R. Lukhe, learned counsel holding for Shri A.B. Kharosekar, 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 27.08.2024 for filing rejoinder affidavit.

MEMBER (J)

M.A. No. 460/2023 in O.A. St. No. 57/2023
(Baburao M. Suryakar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri S.P. Dhoble, learned counsel holding for Shri K.P. Rodge, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

ORIGINAL APPLICATION NO. 168 OF 2023
(Ishwar V. Dahiphale Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

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. At the request of learned counsel for the applicant, S.O. to 03.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 998 OF 2023
(Goroba S. Barde Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that respondent Nos. 1 to 3 may adopt the affidavit in reply filed on behalf of respondent No. 4. However, the respondent Nos. 1 to 3 may file additional reply, if so needed.

3. Learned counsel for the applicant submits that the applicant is not willing to file rejoinder affidavit.

4. List the matter for admission hearing on 04.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 977 OF 2022
(Sheshrao K. Chabukswar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Smt. Archana Therokar, 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. Learned counsel for the applicant submits that the applicant is not willing to file rejoinder affidavit.

3. List the matter for admission hearing on 06.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 544 OF 2023
(Umesh D. Palve Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant 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 14.08.2024 with liberty to the other side to file affidavit in reply, if any till then. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1016 OF 2023
(Chandrakant V. Sadakal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri P.H. Sukale, learned counsel holding for Shri N.B. Narwade, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 02.09.2024 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 : 15.07.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. Shri Avinash Deshmukh, learned counsel for respondent No. 2 (**Leave Note**).

2. In view of leave note filed by learned counsel for respondent No. 2, S.O. to 30.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 437 OF 2024
(Uttam J. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 & 2. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 31.07.2024.

MEMBER (J)

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 : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits separate affidavits in reply on behalf of respondent Nos. 1 & 2 and 3 respectively. Same are taken on record and copies thereof are given to learned counsel for the applicant.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 31.07.2024.

MEMBER (J)

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 : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits separate affidavits in reply on behalf of respondent No. 2 & 3 respectively. Same are taken on record and copies thereof are given to learned counsel for the applicant. Learned P.O. submits that the respondent Nos. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 31.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 315 OF 2024
(Aruna R. Bhumkar (Jhadbuke) Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant (**Leave Note**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 2. Same is taken on record along with spare copy for the applicant. Learned P.O. submits that the respondent Nos. 1 and 3 are adopting the affidavit in reply filed on behalf of respondent No. 2.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 04.09.2024.

MEMBER (J)

T.A. No. 25/2024 (W.P. No. 6400/2024)
(Pravin A. Bhadak Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri S.N. Suryawanshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Chief Presenting Officer, S.O. to 19.07.2024.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

M.A. No. 188/2024 in O.A. No. 558/2024
(Amitkumar V. Polkey & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. All the applicants are from one and the same department working as Head Constable/Wireless Operator, Junior Expert/API, etc. in Police Department and they have filed various representations on common issue to grant them benefit of old pension scheme. They are also seeking the same relief by filing the accompanying Original Application.

3. In view of the same and for the reasons stated in the application, the Misc. Application No. 188/2024 is hereby allowed. The applicants are permitted to sue jointly O.A. as filed by them, subject to payment of court fee stamps, if not paid.

4. The M.A. No. 188/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 558 OF 2024
(Amitkumar V. Polkey & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 30.07.2024

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 30.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1088 OF 2023
(Yuvaraj A. Nandre & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)
DATE : 15.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicants, re-issue notices to the respondents, returnable on 30.07.2024.

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 30.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 710 OF 2018
(Rajendra S. More Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri P.B. Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. I have heard learned Presenting Officer at length.

3. Learned Presenting Officer seeks time to place on record a copy of Circular dated 06.06.2002.

4. At this stage, learned counsel for the applicant submits a copy of Government Circular dated 06.06.2002. Same is taken on record.

5. Learned P.O. seeks short adjournment. Adjournment granted.

6. It is a part heard matter. S.O. to 25.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 157 OF 2022
(Ravindra P. Bahadare Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 18.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2022
(Dr. Dinesh S. Ravtale Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri Rakesh Jain, learned counsel for respondent Nos. 4 to 6, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 20.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 133 OF 2023
(Ramesh S. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 19.07.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

ORIGINAL APPLICATION NO. 597 OF 2023
(Ashish N. Hiware Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 22.07.2024 for further hearing.

MEMBER (J)

M.A. No. 567/2019 in O.A. St. No. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay. Time granted.

3. S.O. to 08.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

M.A. No. 194/2022 in O.A. St. No. 616/2022
(Sunil D. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay. Time granted.

3. S.O. to 24.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 15.07.2024

M.A.NO. 382/2022 IN O.A.ST.NO. 1465/2022
(Madhukar S. Muneshwar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. There is a delay of 3 years caused in filing the Original Application.

3. Learned counsel for the applicant submits that the applicant was initially appointed on 24.09.1984 as a Van Majoor. The respondent No.1 has issued the G.R. dated 31.01.1996 for regularization of the temporary employee working in the department by creating the supernumerary posts for those employees who has completed total 5 years of regular service as on 01.11.1994 and 240 days service in each of the years. Even though the respondent No.3 has directed the respondent No.2 to submit fresh proposal for grant of regularization benefits to the remaining employee including the

//2// M.A. 382/2022 in
O.A.St. 1465/2022

applicant, however, the respondent No.2 has not taken any action till the year 2011.

4. Learned counsel for the applicant submits that thereafter, the State of Maharashtra has issued G.R. dated 16.10.2012 regularizing thereby the services of the daily wages employees who had completed 5 years of regular service from 01.11.1994 to 30.06.2004. Accordingly, the respondent No.3 has issued the appointment order of the applicant on 31.10.2012. Thereafter, the applicant came to be retired from service on attaining the age of superannuation on 30.04.2018 from the post of Van Majoor (Class-IV). The applicant and other similarly situated persons have submitted individual applications so also common representation in the month of February, 2022 requesting therein to grant them regularization benefits. But there was no response from the respondents. Therefore, the applicant and other similarly employees have approached this Tribunal. However, the case of the applicant found to be time barred and therefore, this Tribunal directed the applicant to file the separate Original

//3// M.A. 382/2022 in
O.A.St. 1465/2022

Application along with the application for condonation of delay. Hence, this Misc. Application.

5. Learned counsel for the applicant submits that there is no inordinate or deliberate delay and the applicant is prevented from sufficient cause to approach this Tribunal within time. Learned counsel for the applicant submits that the Misc. Application thus deserves to be allowed.

6. Learned Presenting Officer has strongly resisted the applicant on the ground that there is an inordinate delay in approaching this Tribunal for which no satisfactory explanation has been tendered. Learned P.O. submits that there is no substance in the Misc. Application and the same is liable to be dismissed.

7. It appears that the applicant is retired employee on attaining the age of superannuation on the post of Van Majoor (Class-IV). The applicant and other similarly situated employees who did not get the benefit of earlier G.R. are fighting for the cause since then to count their temporarily service period from the date of their actual date of appointment for

//4// M.A. 382/2022 in
O.A.St. 1465/2022

qualifying service and for grant of pension and pensionary benefits. Even previously the applicant has approached to this Tribunal by filing the Original Application No. 326/2022 along with similarly situated employees, however, the applicant's name was deleted for the reason that his case was time barred. The applicant has therefore, filed the present Original Application along with this Misc. Application seeking condonation of delay. In view of above, I find no intentional or deliberate delay on the part of the applicant and there is no inaction of the part of the applicant. The applicant is retired Class-IV employee and even after the retirement fighting for the cause. I am thus inclined to condone the delay subject to some costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 382/2022 is allowed in following terms:-

- (A) The delay of 3 years caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby

//5// M.A. 382/2022 in
O.A.St. 1465/2022

condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.

- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1465/2022
(Madhukar S. Muneshwar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 10.09.2024.

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

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

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

//2// O.A.St.1465/2022

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 10.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 15.07.2024

**M.A. 245/2023 IN M.A. 138/2023 IN O.A.NO. 1157/2022
(Smita M. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that the respondents are not interested in filing the additional affidavit in reply.

3. In view of same, S.O. to 01.08.2024 for hearing.

4. The interim relief granted earlier in O.A. to continue till then.

MEMBER (J)

SAS ORAL ORDER 15.07.2024

M.A.NO. 10/2024 IN O.A.ST.NO. 2341/2023
(Harichandra N. Sapkal Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Leave to correct prayer clause 'C' of the Misc. Application.

3. There is a delay of 1 month and 12 days caused in filing the Original Application and if the prayer clause 'B' of the O.A. is concerned, then there is a delay of 5 years, 10 months and 25 days excluding Covid-19 pandemic period.

4. Learned counsel for the applicant submits that the applicant came to be appointed on 02.02.1981 as a Talathi and in the year 1992 promoted as a Circle Officer. Thereafter on 09.09.2004, the applicant was promoted as Naib Talasildar. During his tenure as Naib Talasildar, the Collector has sent proposal to the Divisional Commissioner for scrutiny of caste validity certificate of the applicant belongs to

//2// M.A. 10/2024 in
O.A.St. 2341/2023

Scheduled Tribe. Meanwhile, on 30.04.2016, the applicant came to be retired on attaining the age of superannuation.

5. Learned counsel for the applicant submits that in terms of the communication dated 13.06.2023 received from the Divisional Commissioner (Revenue) to Collector, Aurangabad and Beed in connection with the meeting held for grant of Assured Career Progression Scheme, though the applicant's name was included at Sr. No. 8 as eligible employee as per MACPS and 7th Pay Commission Scheme, however due to non-submission of caste validity certificate and some other documents, the claim of the applicant was not considered.

6. Thereafter, the applicant has filed the Writ Petition bearing No. 13228/2023 before the Hon'ble High Court of Bombay, Bench at Aurangabad and by order dated 25.10.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has set aside the impugned order dated 13.09.2023 and allowed the Writ Petition. Accordingly, on 09.11.2023 the Scrutiny Committee has issued Caste Validity Certificate.

//3// M.A. 10/2024 in
O.A.St. 2341/2023

7. Learned counsel for the applicant submits that thereafter, the applicant has submitted the representation dated 16.11.2023 for grant of consequential benefits of the higher post. However, the said representation is yet not decided. Learned counsel for the applicant submits that technically the delay is counted from the date of retirement of the applicant. However, only after the order passed by the Hon'ble High Court of Bombay, Bench at Aurangabad the applicant has approached to the department by filing the representation dated 16.11.2023 and as such, there is no delay. Learned counsel for the applicant submits that there is no inaction on the part of the applicant nor there is an intentional and deliberate delay as such.

8. Learned Presenting Officer has strongly resisted the application on the ground that there is an inappropriate delay and the applicant has failed to explain the same satisfactorily. Hence, the application seeking condonation of delay is liable to be rejected as having no substance.

9. It appears that the being aggrieved by the order rejecting the claim of the applicant on the basis of

//4// M.A. 10/2024 in
O.A.St. 2341/2023

non-submission of Caste Validity Certificate, the applicant has approached to the Hon'ble High Court of Bombay, Bench at Aurangabad by filing the Writ Petition No. 13228/2023. It further appears that the Writ Petition was allowed by order dated 25.10.2023 and Scrutiny Committee has issued Caste Validity Certificate to the applicant on 09.11.2023. It thus appears that the applicant has thereafter rightly approached to the department to grant him all the consequential benefits. Thus I agree with the submissions made on behalf of the learned counsel for the applicant that there is a technical delay and since the representation of the applicant is not decided, there is continuous cause of action. Thus considering the entire facts of the case, I am inclined to condone the delay subject to some costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 10/2024 is allowed in following terms:-

- (A) The delay of 5 years, 10 months and 25 days caused in filing the accompanying O.A. under

//5// M.A. 10/2024 in
O.A.St. 2341/2023

Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.

- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 2341 OF 2023
(Harichandra N. Sapkal Vs. State of Maharashtra & Ors.)**

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

DATE : 15.07.2024

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 07.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St.2341/2023

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 07.10.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A.NO. 125/2024 IN O.A.ST.NO. 660/2024
(Naresh S. Chavriya Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. There is a delay of 1 year caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant is a retired Class -IV employee. By filing the accompanying Original Application the applicant is challenging the order of recovery of excess payment from his retiral benefits.

4. Learned counsel for the applicant submits that the applicant came to be retired as a Sweeper on attaining the age of superannuation and due to financial constraints and due to lack of legal knowledge, he could not approach this Tribunal within time. Learned counsel for the applicant further submits that the delay caused in filing the Original Application is not intentional and deliberate

//2// M.A. 125/2024 in
O.A.St. 660/2024

one. Hence, the Misc. Application seeking condonation of delay deserves to be allowed.

5. Learned Presenting Officer has strongly resisted the applicant on the ground that there is an inordinate delay and the applicant has not satisfactorily explained the same. There is no substance in the Misc. Application and the same is liable to be rejected.

6. It appears that the applicant came to be retired as a Sweeper (Class-IV) and certain amount came to be recovered from his retiral benefits. However, there is a delay in challenging the said order of recovery. The applicant who is retired Sweeper had no legal knowledge to approach this Tribunal and similarly due to financial constraints, he could not approach this Tribunal. There is no intentional and deliberate delay as such. Thus considering the entire facts of the case, I am inclined to condone the delay subject to some costs. I compute the costs of Rs. 100/- (One Hundred only) on the applicant and

//3// M.A. 125/2024 in
O.A.St. 660/2024

proceed to pass the following order: -

ORDER

The Misc. Application No. 125/2024 is allowed in following terms:-

- (A) The delay of 1 year caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 100/- (One Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 660 OF 2024
(Naresh Sarjitsing Chavriya Vs. State of Maharashtra &
Ors.)**

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 12.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St.660/2024

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 12.10.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh R. Admankar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri I.S. Thorat, learned counsel holding for Shri N.U. Yadav, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent No.7, are present.

None present for respondent Nos. 2 to 5.

2. At the request of learned counsel for the applicant, S.O. to 13.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 15.07.2024

**ORIGINAL APPLICATION NO. 976 OF 2022
(Shripad K. Marakwar Vs. State of Maharashtra & Ors.)**

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

DATE : 15.07.2024

ORAL ORDER :

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

2. None present for the applicant.
3. S.O. to 08.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 468 OF 2023
(Dr. Prashant S. Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri Amol A. Kokad, learned counsel for respondent No.4, are present.

2. I have heard learned counsel appearing for the parties for some time.

3. Learned Presenting Officer is requested to take specific instructions as to whether the applicant can be considered in the annual general transfers of the year 2024 on the ground of couple convenience since wife of the applicant is working at Puntamba, Dist. Ahmednagar as a Medical Officer. The same is in the backdrop that as per the impugned order dated 09.06.2023 the applicant came to be transferred to Primary Health Centre, Vitha TR, Tq. Akole, Dist. Ahmadnagar, which is at a distance of more than 150 km. from the present working place of wife of the applicant.

4. S.O. to 22.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 473 OF 2023
(Smt. Pragati Ramchandra Chondekar Vs. State of
Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

Shri A.S. Shelke, learned counsel for respondent No.3, is **absent**.

2. It appears that in terms of directives issued by the Election Commission of India the applicant came to be transferred midterm and mid-tenure by order dated 15.02.2024, which came to be passed during pendency of this Original Application.

3. Learned counsel for the applicant submits that in order to obey the said order as it was in connection with the directives issued by Election Commission of India, the applicant has joined the place of transfer at Nanded. However, it does not mean that the applicant has accepted the said order of transfer. The applicant has challenged the order of transfer by filing the present Original Application which is still pending.

//2// O.A.No. 473/2023

4. It further appears that the purpose of transfer of the applicant in terms of directives issued by the Election Commission of India is now over.

5. It is not out of place to repeat here that the family members of the applicant are residing at Aurangabad and within a couple of weeks, the applicant came to be transferred from Aurangabad to Nanded midterm and mid-tenure in terms of the directive issued by the Election Commission of India.

6. Learned P.O. is directed to take specific instructions from the respondents as to whether the applicant can be considered in the annual general transfer of the year 2024 and she can be accommodated at any vacant place in Aurangabad.

7. S.O. to 31.07.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 542 OF 2023
(Radhabai E. Jondhale Vs. State of Maharashtra & Ors.)**

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

DATE : 15.07.2024

ORAL ORDER :

Shri A.D. Gawale, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. S.O. to 03.10.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 643 OF 2023
(Dilip B. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 15.07.2024

ORAL ORDER :

Shri Jiwan Patil, learned counsel holding for Shri A.B. Jagtap, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.B. Rajkar, learned counsel for the respondent No.5, are present.

2. At the request of learned P.O., S.O. to 01.08.2024 for hearing.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 116 OF 2024
(Madhav Arjunrao Lokulwar Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Smt. Pooja P. Deshmukh, learned counsel holding for Shri J.M. Murkute, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on oral instructions of the applicant submits that the purpose of filing of this Original Application is now over. Learned counsel for the applicant thus seeks leave to withdraw this Original Application.

3. Leave as prayed for is granted.

4. The Original Application is accordingly disposed of as withdrawn. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 157 OF 2024
(Swapnil P. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. By order dated 04.07.2024 this Tribunal has directed the learned P.O. to take specific instructions from the respondent No.2 as to whether the representation submitted by the applicant can be considered positively and he can be posted in Latur District, if the posts are vacant.

3. In response to the same, learned P.O. submits the copy of communication dated 04.07.2024 received from the respondent No.2 on record, which is marked as document 'X' for the purpose of identification. It is informed by the respondent No.2 that in terms of Government Resolution dated 18.06.2024 certain posts of Sub Excise Inspectors of Independent Flying Squad and Executive posts have been increased in Latur District and accordingly, the

//2//

O.A. 157/2024

same are lying vacant. It is further informed that in near future certain transfers are required to be made in which the applicant's case will be put-forth before the Civil Services Board and appropriate action may be taken on his representation.

4. In view of same, in my considered opinion, the purpose of filing of this Original Application is fulfilled to certain extent. In the event if any adverse order is passed or no order is passed, the applicant would be at liberty to approach this Tribunal again.

5. The Original Application is accordingly disposed of. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 49 OF 2018
(Ravindra V. Sapkale Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri H.P. Randhir, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. S.O. to 01.08.2024 for final hearing.

MEMBER (J)

M.A.NO. 370/2018 IN O.A.ST.NO. 1556/2018
(Jagannath P. Hanwate Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Milind S. Mahajan, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 16.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 15.07.2024

ORIGINAL APPLICATION NO. 398 OF 2018
(Dnyaneshwar K. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. S.O. to 16.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 15.07.2024

ORIGINAL APPLICATION NO. 487 OF 2018
(Ramchandra L. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. S.O. to 01.08.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 15.07.2024

ORIGINAL APPLICATION NO. 504 OF 2022
(Kiran Santosh Pawar Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. S.O. to 09.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 277 OF 2021
(Shivaji Nivrutti Wagh Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 641 OF 2023
(Ranjeet Nivrutti Andhale Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. S.O. to 05.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 755 OF 2022
(Sopan R. Suryawanshi Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. S.O. to 05.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 483 OF 2024
(Manohar Subhash Alone Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 18.07.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 52/2024 IN O.A.NO. 70/2023
(Vishwanath Bhagoji Dahe Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri S.P. Dhoble, learned counsel holding for Shri S.T. Solanke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel appearing for the applicant, on instructions, seeks leave of this Tribunal to withdraw the present contempt petition with liberty to file it at the appropriate time. In view of the submissions made by the learned counsel for the applicant, the following order is passed: -

ORDER

Contempt petition stands disposed of since withdrawn with liberty as prayed for. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 478 OF 2024
(Manisha E. Kangle & Anr. Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicants.

3. List the matter for hearing on 01.08.2024. Status quo granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 380 OF 2023
(Dinesh S. Londhe & Ors. Vs. the State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 595 OF 2023
(Bharat E. Jadhav & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Shri S.K. Chavan, learned counsel holding for Shri Vaibhav U. Pawar, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the matters and Shri R.A. Joshi, learned counsel for respondent Nos. 6 & 7 in O.A. No. 595/2023, are present.

Shri N.B. Narwade, learned counsel for respondent Nos. 4 to 9 & 11 to 16 in O.A. No. 380/2023 (**absent**).

2. Arguments are heard and closed for orders.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 180 OF 2024
(Goraksha Baban Palve Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri Omprakash D. Mane, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits that in the present matter the cost was imposed since the affidavit in reply was not filed within time. Learned Presenting Officer has prayed for waiving the cost so imposed. Learned counsel for the applicant graciously consented for it. In the circumstances, the order imposing cost of Rs. 2000/- stands recalled.

3. When the present matter is taken up for consideration, learned counsel appearing for the applicant brought to our notice the averments in the affidavit in reply filed on behalf of respondent No. 2 and more particularly averments in paragraphs 09 & 10 of the affidavit in reply. The said paragraphs 09 & 10 read as under: -

“09. With reference to para no. 10 the averment made by the applicant is denied. It is submitted that Shri Chavan was given ad-hoc promotion as he was not undergoing any punishment whereas, the applicant was undergoing punishment from 1-7-2020. Hence he was not given ad-hoc promotion. Since the implementation of the said punishment started from 1/07/2020 and same would have ended on 30/06/2023, therefore he was not considered for ad-hoc promotion. However, an appeal was filed by API Palve challenging the order dated 7/11/2019. In this Appeal, he was ‘Reprimanded’ instead of stoppage of increment for one year vide order dated 7.6.2022. The punishment of stoppage of one year increment vide order dated 25/11/2019 has been confirmed vide Appeal Order dated 7/06/2022. In another matter, his appeal against stoppage of increment for one year was granted, cancelling the said order dated 16.07.2020, vide appeal order dated 7/06/2022. Thus, he has undergone only 1 year stoppage of increment for the period from 1.7.2020 to 30.6.2021. At present, there is no DE/DP proceeding pending/proposed against him.

10. With reference to para 11, it is submitted that no punishment was pending against (Mr. Vilas Harischandra Jadhav, Mr. Amol Chandrakant Gawli and Mr. Satish Martand Ghotekar). Therefore they have been given ad-hoc promotion. However, Shri Palve was undergoing punishment of stoppage of increment from 01.07.2020. Now the decision for his ad-hoc promotion is under consideration of the appointing authority.”

4. The aforesaid averments reveal that presently there is no DE or DP proceeding pending or proposed against the applicant. It is also averred that the decision for the ad-hoc promotion of the applicant is under consideration of the appointing authority. It appears to us that in view of the averments as aforesaid in the affidavit in reply, the present Original Application can be disposed of by directing the respondents to expedite the decision for ad-hoc promotion of the applicant since as per the pleadings in the O.A. he is waiting for his promotion since 2019.

5. Learned counsel appearing for the applicant, as well as, learned Presenting Officer, both don't have any objection for passing such order. Hence, the following order is passed: -

ORDER

(i) As averred by the respondents in the affidavit in reply filed on their behalf, the respondents shall take the decision for ad-hoc promotion of the applicant expeditiously and in any case within the period of 08 weeks from the date of this order.

(ii) The Original Application stands disposed of in the aforesaid terms however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 507 OF 2024
(Dr. Tushar K. Bhople Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 01 to 03. It is taken on record and copy thereof has been given to the learned counsel for the applicant.

3. S.O. to 23.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 192 OF 2024
(Nathrao S. Chate Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of the respondents. Time granted by way of last chance.

3. S.O. to 09.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 518 OF 2024
(Arjun S. Gayakwad Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Today when the matter was taken up for consideration no one has caused appearance for the applicant. On the previous date also the matter remained unattended and no one caused appearance for the applicant. List the matter on 25.07.2024. if the matter is not proceeded on the same day, the same shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 682 OF 2024
(Rutuja D. Bhalerao Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Shri Sharad S. Halkude, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.09.2024.

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 18.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 711 OF 2024
(Upendra R. Rajurkar Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Smt. Supriya Bhilegaonkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 19.09.2024.

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 19.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 712 OF 2024
(Upendra R. Rajurkar Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Heard Smt. Supriya Bhilegaonkar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 19.09.2024.

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 19.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 115 OF 2019
(Santosh B. Jadhav & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks leave to file affidavit in reply of the respondents. Learned counsel for the applicant graciously consented for taking the reply on record. Accordingly the reply is accepted and copy thereof is given to learned counsel.

3. List the matter for hearing on 25.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 434 OF 2023
(Madhav S. Salgar Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri D.A. Mane, learned counsel for respondent no. 5, are present.

2. Learned Presenting Officer filed affidavit in reply for respondent nos. 2 to 5. It is taken on record.

3. S.O. to 18.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 482 OF 2023
(Tushar V. Deore & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply for respondent nos. 1 to 6. It is taken on record.

3. S.O. to 01.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 474 OF 2023
(Vaishali V. Hinge Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

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

2. Learned counsel tendered documents received to the applicant under Right to Information Act. Same are taken on record.

3. S.O. to 29.07.2024. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 623 OF 2021
(Mehboobali Y. Khan Pathan Vs. The State of Maharashtra & Ors.)

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

DATE : 15.07.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.7.2024.

MEMBER (A)

VICE CHAIRMAN

REV. 03/2024 IN O.A. NO. 312/2019
(MPSC Through its Secretary Vs. The State of Maharashtra &
Ors. and Dr. Ashok P. Misal)

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

DATE : 15.07.2024

ORAL ORDER :

Shri M.S. Kulkarni with Shri M.B. Kolpe, learned counsel for the petitioner/respondent in O.A., Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri J.S. Deshmukh, learned counsel for respondent no. 2/applicant in O.A, are present.

2. S.O. to 23.7.2024.

MEMBER (A)

VICE CHAIRMAN

REV. 04/2024 IN O.A. NO. 360/2019
(MPSC Through its Secretary Vs. The State of Maharashtra & Ors. and Dr. Atul A. Deshmukh)

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

DATE : 15.07.2024

ORAL ORDER :

Shri M.S. Kulkarni with Shri M.B. Kolpe, learned counsel for the petitioner/respondent in O.A., Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Ajay S. Deshpande, learned counsel for respondent no. 5/applicant in O.A, are present.

2. S.O. to 23.7.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 15.07.2024

REV. 05/2024 IN O.A. NO. 67/2018
(MPSC Through its Secretary Vs. The State of Maharashtra &
Ors. and Dr. Mohd. Feroj Iqbal)

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

DATE : 15.07.2024

ORAL ORDER :

Shri M.S. Kulkarni with Shri M.B. Kolpe, learned counsel for the petitioner/respondent in O.A., Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri K.G. Salunke, learned counsel for respondent no. 3/applicant in O.A, are present.

2. S.O. to 23.7.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 15.07.2024