

ORIGINAL APPLICATION NO. 267 OF 2021
(Akshay V. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 16.06.2021

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 07.07.2021.

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

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(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 07.07.2021.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 320 OF 2020
(Santosh N. Dhongade Vs. State of Maharashtra & Ors.)

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

DATE : 16.06.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 29.06.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1071 OF 2019
(Virbhadra G. Idage Vs. State of Maharashtra & Ors.)

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

DATE : 16.06.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent No. 1 and Shri N.U. Yadav, learned Advocate for respondent Nos. 2 and 3.

2. Record shows that pleadings are complete. Considering nature of the proceedings, the present case is kept for hearing at the stage of admission itself.

3. S.O. to 13.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 288 OF 2020
(Sandip S. Markad Vs. State of Maharashtra & Ors.)

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

DATE : 16.06.2021

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri R.A. Tambe, learned Advocate for respondent No. 5. Shri V.S. Suradkar, learned Advocate for respondent No. 4, **absent.**

2. Record shows that affidavit in reply is filed by the respondent Nos. 2 and 3 jointly and respondent Nos. 4 & 5 separately.

3. Learned Advocate for the applicant submits that he has received copies of the affidavit in replies today.

4. S.O. to 16.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 165 OF 2021
(Anil Y. Rokade Vs. State of Maharashtra & Ors.)

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

DATE : 16.06.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1.

2. Learned Advocate Shri Shamsunder B. Patil, has filed **VAKALATNAMA** on behalf of respondent Nos. 2 and 3. Same is taken on record.

3. At the request of learned Presenting Officer for respondent No. 1 and learned Advocate for respondent Nos. 2 & 3, S.O. to 13.07.2021 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

M.A. 116/2021 with M.A. 237/2019 in O.A. 42/2014
(State of Maharashtra & Ors. Vs, Surekha B. Andhale & Ors.)

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

DATE : 16.06.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A. (Respondents in O.A.) and Shri S.S. Jadhavar, learned Advocate for the respondents in the present M.A. (Applicants in O.A.).

2. Record shows that the present matter is already part heard. During hearing of the matter, it was revealed that affidavit in reply is not on record on behalf of respondents and therefore, the respondents were allowed to file affidavit in reply, if they desire. As on today affidavit in reply is not forthcoming.

3. Learned Presenting Officer seeks one week's time for filing affidavit in reply. Time granted.

4. S.O. to 23.06.2021.

MEMBER (A)

MEMBER (J)

DATE : 16.06.2021

**M.A. No. 148/2021 in O.A. St. No. 481/2021
(Anita P. Gitey Vs. The State of Maharashtra & Ors.)**

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

1. Shri S.S. Bhaskar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 30.07.2021. The case be listed for admission hearing on 30.07.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

O.A. Nos. 603 to 609 & 780 All OF 2017
(Jaideep A. Limbale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.06.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for herself and holding for Shri A.S. Deshmukh, learned Advocate for the respective applicants in respective O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these O.As.

2. Learned Advocate for the applicants submits that Shri A.S. Deshmukh, learned Advocate for the applicants is unable to conduct final hearing and therefore, she requests time. Time granted.

3. S.O. to 20.07.2021. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.271/2021
(Shivaji Kawade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 16.06.2021

ORAL ORDER :

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

2. In the O.A., applicant is challenging the show cause notice dated 03-06-2021 issued by the respondent no.1 stating as to why major punishment of dismissal should not be imposed upon him as the charges leveled against him are proved in the departmental enquiry held against him.

3. It is the contention of the applicant that during the hearing of the departmental enquiry, the applicant had made application for change of Enquiry Officer. His request was not granted. He had preferred appeal against the said order and the same was not decided. Same Enquiry Officer continued the departmental enquiry. Final enquiry report dated 28-05-2021 was submitted before the respondent no.1 by the Enquiry Officer. Thereafter, final show cause notice i.e. impugned notice dated 03-06-2021 is issued which is under challenge in this proceeding. Learned Advocate for the applicant prays for ad-interim

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O.A.No.271/2021

relief contending that various illegalities were committed during the conduct of the departmental enquiry.

4. Perusal of the impugned final show cause notice dated 03-06-2021 (Annexure A-25, page 170 of paper book) would show that 15 days' time is granted for filing reply to the said show cause notice. Learned Advocate for the applicant states that applicant received notice on 07-06-2021. Applicant is yet to file reply to the final show cause notice dated 03-06-2021.

5. In the background as above, in my considered opinion opportunity has to be granted to the respondents to file reply before considering the ad-interim relief.

6. Issue notices to the respondents, returnable on 12.07.2021.

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

8. 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.

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9. 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.

10. 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.

11. S.O. to 12.07.2021 before the Division Bench.

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

9. This matter be placed before the Division Bench as the subject matter of the case comes under the purview of the Division Bench.

MEMBER (J)

ORIGINAL APPLICATION NO.52/2020
(Pramod Lokhande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 16.06.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply has been filed on behalf of respondent no.2.
3. Considering the nature of the proceedings, case is fixed for hearing at the stage of admission.
4. S.O. to 16-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.53/2020
(Kailas Sasane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 16.06.2021

ORAL ORDER :

Heard Shri H.S.Bali, learned Advocate for the applicant and Shri M.S.Patni, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 16-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.155/2020
(Vishal Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 16.06.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply has been filed on behalf of respondent no.2.
3. Considering the nature of the proceedings, case is fixed for hearing at the stage of admission.
4. S.O. to 16-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.606/2019
(Sayanna Aadpod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 16.06.2021

ORAL ORDER :

Heard Smt. A.N.Ansari, learned Advocate for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent no.1 and Shri Ashish Rajkar learned Advocate for respondent no.4. Shri R.K.Ingole learned Advocate for respondent nos.2 and 3 is **absent**.

2. Record shows that pleadings are complete. In the facts and circumstances of the case, it is fixed for final hearing at the stage of admission.

3. S.O. to 16-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.134/2021
(Rupali Chougule Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 16.06.2021

ORAL ORDER :

Shri Bhushan Bandiwadekar, learned Advocate for the applicant is **absent**. and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. None is present on behalf of the applicant.
3. Learned P.O. prays for one week's time for filing reply. Time is granted.
4. S.O. to 25-06-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.256/2021
(Priya Salve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 16.06.2021

ORAL ORDER :

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

2. Record shows that in view of order dated 07-06-2021, the respondents were directed to file affidavit in reply. Point of ad-interim relief till then is kept open. In view of the same, it was expected that the respondents would have come with affidavit in reply or some document/s to counter the prayer of the applicant for ad-interim relief. No communication from the concerned department is placed on record.

3. Learned P.O. requests for further time for filing affidavit in reply.

4. In view of the same, S.O. to 18-06-2021 for filing affidavit in reply on behalf of the respondents.

MEMBER (J)