

M.A.NO.175/2024 IN O.A.NO.208/2024
(Sangita A. Chitale Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri R.C.Bramhankar, learned Counsel for the applicant (**absent**). Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities is present.

2. Learned C.P.O. files affidavit in reply on behalf of respondent nos.3, 4 and 6. Same is taken on record. Learned C.P.O. undertakes to provide copy of the same to the other side.

3. S.O. to 29-07-2024.

MEMBER (A)
YUK ORAL ORDER 16.07.2024

VICE CHAIRMAN

M.A.NO.302/2024 IN O.A.NO.730/2024
(Rama C. Hawka & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Joslyn Anthony Menezes, learned counsel for applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

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

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

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

MEMBER (A)
YUK ORAL ORDER 16.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.730/2024
(Rama C. Hawka & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Joslyn Anthony Menezes, learned counsel for applicants and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Though the learned Counsel insisted for grant of stay to the de departmental enquiry initiated against the applicants till decision of this O.A., by way of interim relief, we are not inclined to grant any relief since no such case is made out by the applicants.

3. Learned Counsel for the applicants submitted that, earlier one statement of charge was issued against the applicants along with few others on 20-02-2024 and the departmental enquiry was directed to be conducted into the said charges. Learned Counsel further submitted that, vide order dated 16-04-2024 the statement of charge issued earlier came to be cancelled. Learned Counsel

further submitted that the respondents have now initiated another departmental enquiry for the same statement of charge which was cancelled vide order passed on 16-04-2024.

4. Learned Counsel pointed out that, the statement of charge is word to word same with the earlier charges. Learned Counsel submitted that on the same set of charges, respondents cannot conduct a second enquiry. Learned Counsel relied upon the judgment of the Hon'ble Apex Court in the matter of **Nand Kumar Verma V/s. State of Jharkhand & Ors. [2012 AIR SCW 1971]** decided on 01-02-2012 in support of his said contention. Learned Counsel pointed out that, the earlier chargesheet was issued by the SRPF Commandant and the chargesheet now has been issued under the signature of Special Inspector General of Police, SRPF, Nagpur.

5. After having gone through the judgment relied upon by the learned Counsel, we noticed that, the judgment so relied upon by the applicants in fact, lays down that, if for some technical or other ground, procedural or otherwise, the first enquiry or

punishment or exoneration is found bad in law, there is no principle that a second enquiry cannot be initiated.

6. In the instant matter, at the initial stage itself, the mistake occurred seems to have been noticed by the respondents of issuing the chargesheet under the signature of SRPF Commandant and hence the said chargesheet is withdrawn and a fresh chargesheet has been served upon the applicants under the signature of Special Inspector General, CRPF, Nagpur, who is the competent authority. As observed by the Hon'ble Supreme Court, such course is not impermissible. In the circumstances, we do not see that any case is made out by the applicants for grant of any interim relief.

7. We, therefore, deem it appropriate to pass the following order:

[i] Issue notice to respondents, returnable on 20.08.2024.

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

[iii] 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.

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

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

[vi] S.O. to 20.08.2024.

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

MEMBER (A)

YUK ORAL ORDER 16.07.2024

VICE CHAIRMAN

T.A.NO.10/2023 (W.P.NO.5592/2020)
(Surekha K Wani & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned Counsel for the applicants, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Umesh Mote, learned Counsel for respondent no.2.

2. When the present matter is taken up for consideration, learned Counsel for applicants on instructions submits that applicant nos.12 and 17 do not wish to proceed further in the matter. Transfer Application, therefore, stands dismissed in so far as applicant nos.12 and 17 are concerned.

3. Learned Counsel further submitted that the present applicants are working on contract basis under the schemes of the Government known as Jal Jivan Mission and Swachh Bharat Mission. Learned Counsel further submitted that, facts involved in the present matter are quite identical with the facts

which existed in T.A.No.03/2023 (W.P.No.13847/2021) and T.A.No.04/2023 (W.P.No. 3935/2021) which have been decided by this Tribunal vide common order passed on 20-03-2024. Learned Counsel submitted that, in the present matter the applicants are seeking quashment of G.R. dated 27-07-2020. Learned Counsel further submitted that in the common order passed by this Tribunal in T.A.No.03/2023 with T.A.No.04/2023, the said G.R. has already been quashed and set aside. Learned Counsel submitted that, in view of the common order passed in T.A.No.03/2023 and T.A.No.04/2023 present Transfer Application also deserves to be allowed.

4. The facts as are stated by the applicants have not been disputed by the learned CPO.

5. In view of the facts as aforesaid, we need not to pass any elaborate order in this matter. Suffice to say that, reasons as are discussed in the said order for quashment of the G.R. dated 27-02-2020 would apply in the present matter also.

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T.A.NO.10/2023

6. In the circumstances, following order is passed:

ORDER

(i) The respondents are directed to continue the services of the applicants in the present Transfer Application first working under Swachh Bharat Mission and other working under Jal Jivan Mission, subject to giving satisfactory performance, till completion of both the aforesaid projects or till the applicants attain the age of superannuation, whichever occurs earlier; of course, subject to earlier termination either if any on medical or disciplinary grounds or for on unsatisfactory performance.

(ii) The Transfer Application stands allowed in the aforesaid terms. No order as to costs.”

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.07.2024

T.A.NO.11/2023 (W.P.NO.7243/2020)
**(Maharashtra State Contractual Employees Federation, Through
its Working President Sachin Jadhav Vs. State of Maharashtra &
Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.07.2024

ORAL ORDER :

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

2. When the present T.A is taken up for consideration, learned Counsel appearing for the applicant brought to our notice that, while deciding T.A.No.03/2023 with T.A.No.04/2023 by a common order passed on 20-03-2024, the Tribunal has quashed and set aside the order dated 03-08-2020 issued by the Government which is sought to be quashed in the present matter.

3. In view of the fact that order dated 03-08-2020, which is sought to be quashed in the present matter is already quashed by the earlier order in another matter, nothing survives to be considered in the present matter. Hence, T.A. stands disposed of. No costs.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.07.2024

M.A.NO.281/2024 IN O.A.NO.208/2023
(State of Maharashtra & Ors. Vs. Suryabhan E. Pawar)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.07.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel for the applicant in O.A./respondent in M.A. and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities/applicants in M.A., are present.

2. Learned P.O. submits that a copy of present M.A. filed by the respondent authorities for vacating interim relief is already served on the learned Counsel for applicant. Learned Counsel seeks time to file reply to the said M.A. and showed willingness to even proceed with the O.A. Time is granted till 30-07-2024.

3. For filing reply to M.A. as well as for hearing S.O. to 30-07-2024.

4. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.07.2024

ORIGINAL APPLICATION NO.811/2019
(Bhushan D. Kagane Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Deepak D. Choudhari, 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 both sides, S.O. to 1-8-2024.

MEMBER (A)
YUK ORAL ORDER 16.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.341/2023
(Dr. Jayashree E. Bangar Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri S.S.Jadhavar, learned counsel for the applicant, Shri V.G.Pingle, learned Presenting Officer for the respondent authorities and Shri S.B.Solanke, learned Counsel for respondent no.3, are present.

2. S.O. to 25-07-2024. **High on board.**

MEMBER (A)
YUK ORAL ORDER 16.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.897/2023
(Dhanraj Bhagwan Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri H.P.Jadhav, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned Counsel for respondent nos.5, 10 and 11.

2. Original Application is allowed. Reasons to follow.

MEMBER (A)
YUK ORAL ORDER 16.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 679 OF 2024
(Kaveri V. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Joslyn Menezes, 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 submits that all the respondents have been duly served and the affidavit of service will be filed in the office during the course of the day.

3. Learned counsel Shri S.B. Mene, submits that he has instructions to appear on behalf of respondent No. 4.

4. At the request made on behalf of respondents, time is granted for filing affidavit in reply.

5. S.O. to 31.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 993 OF 2019
(Dileep R. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Smt. S.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 Nos. 2 & 3, are present.

2. At the request of learned counsel for respondent Nos. 2 and 3, S.O. to 09.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 843 OF 2023
(Bhagwat M. Kavhar Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Santosh Pawde, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondent No. 5. Leave granted. The affidavit in reply is accepted and copy thereof is given to learned counsel for the applicant.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 844 OF 2023
(Sunil D. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Santosh Pawde, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondent No. 5. Leave granted. The affidavit in reply is accepted and copy thereof is given to learned counsel for the applicant.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 937 OF 2022
(Bharat S. Khanderao Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri P.D. Bodade, learned counsel holding for Shri J.B. Choudhary, 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 Presenting Officer, S.O. to 01.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1024 OF 2022
(Vitthal S. Bade Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri R.R. Bangar, 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)

M.A. No. 428/2023 in O.A. St. No. 1403/2023
(Gautam L. Paikade Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri P.D. Jarare, 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 No. 2 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for hearing on 04.09.2024.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

ORIGINAL APPLICATION NO. 387 OF 2021
(Shankar B. Ghogare Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 22.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 994 OF 2019
(Dileep K. Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Vishnu Kande, learned counsel holding for Shri Ajinkya Reddy, learned counsel for respondent Nos. 2 and 3, are present.

2. At the request of learned counsel for respondent Nos. 2 and 3, S.O. to 09.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 688 OF 2022
(Ashok K. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Joslyn Menese, learned counsel holding for Smt. Amruta Paranjape-Menezes, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, re-issue notices to the respondents, returnable on 06.09.2024.

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 30.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 413 OF 2024
(Vithal G. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Ms. Preeti Wankhade, 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 counsel for the applicant, S.O. to 24.07.2024.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

ORIGINAL APPLICATION NO. 414 OF 2024
(Sajid Khan Nanhe Khan Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Ms. Preeti Wankhade, 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 counsel for the applicant, S.O. to 24.07.2024.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

ORIGINAL APPLICATION NO. 649 OF 2024
(Ramchandra P. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. The office has raised an objection that the present matter pertains to Division Bench. Learned counsel for the applicant has accepted the same.

3. In view of above, the present matter is removed from board.

MEMBER (J)

M.A. No. 523/2023 in O.A. St. No. 35/2023
(Faruqi Md. Khayum Md. Siddik Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 5 and 7. Same is taken on record along with spare copy for the applicant.

3. List the matter for hearing on 23.08.2024.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

T.A. No. 23/2024 (W.P. No. 5858/2023)
(Ranjit M. Satpute Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri S.Y. Shinde, learned counsel holding for Shri M.B. Sandanshiv, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Leave to file an application for condonation of delay.

3. S.O. to 07.08.2024.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

M.A. No. 298/2024 in O.A. No. 751/2024
(Janardhan D. Rathod and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. All the applicants are from the same department and being aggrieved by the common order of their transfers approached to this Tribunal jointly. They are seeking same relief on the same cause of action.

3. In view of the same and for the reasons stated in the application, the M.A. No. 298/2024 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. 298/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 751 OF 2024
(Janardhan D. Rathod and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel for the applicants and Shri A.P. Basarkar, 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. Learned Presenting Officer is directed to call the record and proceedings.

8. S.O. to 30.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 536 OF 2024
(Pallvi G. Bansode @ Pallavi V. Misale Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri V.D. Dhotre, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Even though the circulation is sought, none present for the applicant.

3. As none present for the applicant, S.O. to 09.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 598 OF 2024
(Archana B. Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. None present for the applicant, even on last date also, nobody appeared for the applicant. The office has raised an objection that the applicant has not filed departmental appeal before the higher authority.

3. In view of above, the applicant is directed to file departmental appeal and if such appeal is filed by the applicant within a period of two weeks from the date of this order, the departmental appellate authority shall condone the delay, if any caused in filing the departmental appeal. The present Original Application is disposed of with the understanding that any adverse order is passed, the applicant would be at liberty to approach this Tribunal again. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 666 OF 2024
(Narendra L. Patil (Warule) Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Even though the statutory appeal is provided before the appellate authority, the applicant has not exhausted the said remedy.

3. As none present for the applicant, S.O. to 23.07.2024 as a last chance.

MEMBER (J)

ORIGINAL APPLICATION NO. 696 OF 2024
(Shaikh Shabbir Mohoddin Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 31.07.2024.

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. **The prayer for interim relief will be considered after the service of notice.**

8. S.O. to 31.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 729 OF 2024
(Madhuri A. Junare Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Onkar Joshi, learned counsel holding for Shri Jiwan Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to the 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.

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)

O.A. No. 404/2022 with M.A. No. 267/2024
(Manesh D. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply to the application seeking amendment filed by the applicant. Time granted.

3. It is a part heard matter. S.O. to 30.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

M.A. No. 285/2024 in O.A. No. 795/2022
(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that during pendency of O.A. No. 795/2022, the respondent authorities have passed order dated 19.01.2024 denying the regularization of absence period and closed the file of applicant.

3. By filing the present Misc. Application, the applicant is seeking amendment in the O.A. and also insertion of prayer clause to challenge the said order dated 19.01.2024 (Annexure A-7).

4. Learned Presenting Officer submits that the appropriate order may be passed.

5. Thus considering the fact that during pendency of the O.A. the aforesaid order dated 19.01.2024 came to be passed, M.A. No. 285/2024

//2// M.A. 285/2024 in
O.A. 795/2022

is hereby allowed. The applicant is permitted to amend the Original Application by adding para No. IX and prayer clause C-1 in O.A. The applicant has to submit amended copy of the O.A. before this Tribunal forthwith and also provide the same to learned Presenting Officer.

6. M.A. No. 285/2024 is accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

O.A. No. 795/2022

(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has filed affidavit of the applicant stating that during the period of absence, the applicant has carried out private medical practice for his survival. Same is taken on record and copy thereof is given to learned P.O.

3. It is a part heard matter. S.O. to 31.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 224 OF 2023
(Bhumanna M. Achewad Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has placed his reliance on some case laws and filed the same before this Tribunal. Same are taken on record and copies thereof are given to learned Presenting Officer.

3. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 21.08.2024 for citations.

MEMBER (J)

ORIGINAL APPLICATION NO. 1109 OF 2023
(Prashant S. Auti Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri A.S. Karlekar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities, Shri Shaikh T.M., learned counsel holding for Shri A.R. Borulkar, learned counsel for respondent No. 3 and Shri B.V. Virdhe, learned counsel for respondent No.4.

2. The present matter is reserved for orders.

MEMBER (J)

M.A. No. 85/2023 in O.A. St. No. 261/2023
(Ganesh M. Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Mayur Subhedar, learned counsel holding for Shri Harish Bali, learned counsel for respondent No. 4, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

ORIGINAL APPLICATION NO. 632 OF 2021
(Harishchandra G. Lohkare Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri P.D. Suryawanshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Despite the several chances, learned Presenting Officer has failed to file additional affidavit, though assured. It appears that the respondents are not interested in filing the additional affidavit.

3. By consent, S.O. to 31.07.2024 for hearing.

MEMBER (J)

M.A. No. 275/2024 in O.A. No. 114/2022
(Dr. Bhausahab S. Randhe Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri U.S. Mote, learned counsel for respondent No.3.

2. By way of this amendment application, the applicant is seeking directions to the respondents to forward his pension papers to Accountant General, Nagpur and release all retiral benefits to the applicant as earliest and also seeking some consequential directions in connection with his retiral benefits.

3. The applicant would be at liberty to file separate Original Application, if his pension case is not processed within stipulated period.

4. In the Original Application even though the applicant stood retired during pendency of O.A., till then his prayer to the extent of treating the period w.e.f. 03.12.2021 till joining of the applicant as

//2//

MA 275/2024 in
OA 114/2022

compulsory waiting period and pay and salary for the said period to the applicant can be considered in this Original Application itself.

5. In view of above, the M.A. No. 275/2024 seeking amendment in O.A. stands rejected and accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

O.A. No. 114/2022

(Dr. Bhausahab S. Randhe Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri U.S. Mote, learned counsel for respondent No.3.

2. At the request of learned counsel for the applicant, S.O. to 05.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 16.07.2024

M.A. No. 299/2024 in O.A. No. 752/2024
(Bharat L. Chavan and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. All the applicants are from the same department and being aggrieved by the common order of their transfers approached to this Tribunal jointly. They are seeking same relief on the same cause of action.

3. In view of the same and for the reasons stated in the application, the M.A. No. 299/2024 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. 299/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

O.A. No. 752/2024

(Bharat L. Chavan and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, 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. Learned Presenting Officer is directed to call the record and proceedings.

8. S.O. to 30.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO.248 OF 2024
(Dr. Trupti H. Mande Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri V.S. Kande, learned counsel holding for Shri Ajinkya Reddy, learned counsel for the applicant 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 3 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.07.2024-HDD

ORIGINAL APPLICATION NO.875 OF 2022
(Dr. Anup Ramrao Naik Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.07.2024

ORAL ORDER :

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

2. When the present matter is taken up for consideration learned counsel has tendered across the bar memorandum issued by the Government on 18.04.2024 and the same is taken on record. Learned counsel submits that the prayers which have been made in the present Original Application have been considered by the Government and are allowed.

3. Learned Chief Presenting Officer submitted for passing appropriate order.

4. In view of the submissions so made and in view of the order passed by the Government, the Original Application stands disposed of. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.259 OF 2023
(Sunita Damodhar Jarhad Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

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. Endorsement shows that the service on respondent No. 1 is awaited. Learned counsel for the applicant however, submits that the service affidavit is filed.

3. We have gone through the service affidavit and the proof of service produced on record by the applicant. Respondent No. 1 is shown to have been duly served. Learned Presenting Officer shall take instructions in that regard and file affidavit in reply within a period of two weeks.

4. S.O. to 12.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 172 OF 2024
(Akshay Dhananjay Pawar Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Learned counsel for the applicant submits that two dates are already availed by the respondents. In the interest of justice, time granted till 06.08.2024

3. S.O. to 06.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.07.2024-HDD

ORIGINAL APPLICATION NO. 455 OF 2024
(Mahadev Balaji Kapse Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Smt. Priyanka Deshpande, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri P.S. Koshti, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of State authorities. Time granted.

3. S.O. to 06.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 66/2024 IN O.A.NO. 230 OF 2022
(Dr. Seema Madhukar Digraskar Vs. The State of Maha. & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the order passed by this Tribunal, contempt of which, is challenged before the Principal Seat of Hon'ble Bombay High Court at Bombay as well as before the Aurangabad Bench of it. In view of submission, S.O. to 18.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.07.2024-HDD

ORIGINAL APPLICATION NO. 910 OF 2023
(Madhukar D. Bhandare Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri V.P. Savant, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. It appears from the proceedings that till today affidavit in reply is not filed by the respondents.

3. In view of the above, list the matter for hearing on 05.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 05 OF 2024
(Gajanan Shirpa Mahanur Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel holding for Shri A.D. Gadekar, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer has tendered separate affidavits in reply on behalf of respondent Nos. 1 and 2 & respondent No. 3 and the same are taken on record and copies thereof have been served on the other side.

3. S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 06 OF 2024
(Nilesh Dharmraj Gaikwad Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer has tendered separate 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 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.07.2024-HDD

ORIGINAL APPLICATION NO. 43 OF 2024
(Devesh Prakash Nawale Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered 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 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.07.2024-HDD

ORIGINAL APPLICATION NO. 10 OF 2024
(Amol Chagan Kokani Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 45 OF 2024
(Santosh Sambhaji Magare Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 307 OF 2024
(Pravin Dattatray chaware & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Ms. Pradnya Talekar, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri V.B. Wagh, learned counsel for respondent Nos. 5, 6, 14, 16 & 17 and Shri A.D. Kawre, learned counsel for respondent No. 10, are present.

2. When the present matter is taken up for consideration, it is submitted that Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 4, 8, 9, 11 & 15 has some difficulty today and has prayed for some accommodation. Shri A.D. Kawre, learned counsel submitted that Shri Yashodeep Deshmukh, learned counsel will argue the matter on behalf of respondent No. 10 and he has also some difficulty today and seeks time. Shri V.B. Wagh, learned counsel appearing for respondent Nos. 5, 6, 14, 16 & 17 also has prayed for time to argue the matter.

3. The Hon'ble Bombay High Court has expedited the hearing of the present Original Application. Having considered the request and having regard to the order passed by the Hon'ble Bombay High Court we place the present matter for hearing on 22.07.2024. Parties to take note that the matter will be positively heard on the said date.

4. S.O. to 22.07.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1162 OF 2022
(Bhimrao N. Kokate Vs. State of Maharashtra & Ors.)**

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

DATE : 16.07.2024

ORAL ORDER :

Shri S.B. Patil, 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 20.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 16.07.2024

ORIGINAL APPLICATION NO. 586 OF 2023
(Umesh R. Kavle Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 618 OF 2023
(Kishor A. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in both the O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. Learned Presenting Officer on oral instructions received from the concerned Desk Officer submits that the Competent Authority has favourably considered the proposal of both the applicants and orders will be issued within one or two weeks. Learned P.O. thus seeks time. Time granted.

3. S.O. to 30.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 55 OF 2024
(Shivaji D. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri J.M. Murkute, 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 10.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 85 OF 2024
(Gorakh R. Limaji Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri Anand Kawre, learned counsel holding for Shri P.S. Mantri, 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 counsel for the applicant, S.O. to 02.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 16.07.2024

ORIGINAL APPLICATION NO. 114 OF 2024
(Gangasagar B. Kokate Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri M.V. Thorat, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.Y. Nandedkar, learned counsel for respondent No.4, are present.

2. Learned counsel for the applicant seeks time to file application for amendment in the Original Application so also in the prayer clause. Time granted.

3. S.O. to 25.07.2024 for hearing.

MEMBER (J)

M.A.NO. 331/2023 IN O.A.NO. 532/2007
(Amir Khan Ibrahim Khan Vs. State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Ms. A.N. Ansari, learned counsel for the applicant has filed a **leave note**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 09.08.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 16.07.2024

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

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

DATE : 16.07.2024

ORAL ORDER :

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

2. Part heard.
3. S.O. to 24.07.2024 for further hearing.

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 : 16.07.2024

ORAL ORDER :

Ms. A.N. Ansari, learned counsel for the applicant has filed a **leave note**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 09.08.2024 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 : 16.07.2024

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 M.S. Mahajan, learned counsel for respondent Nos. 2 & 3, are present.

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 final hearing.

MEMBER (J)

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 : 16.07.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, 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 18.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 16.07.2024

**M.A.NO. 212/2015 IN O.A.ST. NO. 441/2015 WITH
M.A.NO. 214/2015 IN O.A.ST. NO. 451/2015 WITH
M.A.NO. 240/2015 IN O.A.ST. NO. 957/2015 WITH
M.A.NO. 241/2015 IN O.A.ST. NO. 955/2015 WITH
M.A.NO. 242/2015 IN O.A.ST. NO. 960/2015 WITH
MA 202/2014 IN MA ST. 447/2014 IN OA ST. 449/2014 WITH
M.A.NO. 217/2015 IN O.A.ST. NO. 437/2015 WITH
M.A.NO. 215/2015 IN O.A.ST. NO. 443/2015 WITH
M.A.NO. 227/2015 IN O.A.ST. NO. 455/2015 WITH
M.A.NO. 228/2015 IN O.A.ST. NO. 453/2015 WITH
(Suresh M. Tulapurkar & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 16.07.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicants in all these cases, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities in all these cases, S.B. Patil, learned counsel for the respondent Nos. 2 to 4 in M.A. Nos. 240/15, 241/15, 242/15 and Shri R.H. Wagh, learned counsel for respondent No.2 in M.A.No. 227/2015, are present.

2. By consent of parties, S.O. to 06.08.2024 for final hearing.

MEMBER (J)

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

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

DATE : 16.07.2024

ORAL ORDER :

Shri A.R. Tapse, learned counsel holding for Shri P.D. Suryawanshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 8.9.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 16.07.2024

ORAL ORDER :

Shri A.R. Tapse, learned counsel holding for Shri P.D. Suryawanshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 8.9.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 988/2023
(Venkatesh V. Mundhe Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.8.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 782/2022
(Bhausahab A. Shelke Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel holding for Shri Amol R. Gaikwad, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.8.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 188/2023 IN O.A. NO. 692/2017
(Bhanudas Watane Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. S.O. to 9.8.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 16.07.2024

T.A. NO. 24/2024 W.P. NO. 5676/2024
(Pandurang R. Sawade Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri Madhav C. Ghode, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 23.09.2024.

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 23.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 410/2024
(Ajay C. Udate Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

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

2. It is the grievance of the applicant that though he has successfully undergone the selection process and his name also has been included in the list of selected candidates against the seat reserved for S.T. category, he has not been given the order of appointment only on the ground that he has not submitted the tribe validity certificate. If this be so, the respondents must clarify the aforesaid issue. Hence, we call upon the respondents to clarify whether the reason as has been stated by the applicant is the only reason for not giving appointment to the applicant, on the next date.

3. S.O. to 24.07.2024.

4. Steno copy allowed for the use of learned CPO.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 485/2024
(Sakharam G. Khandagale Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

None appears for the applicant. Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Learned Chief Presenting Officer has tendered affidavit in reply for respondent nos. 3, 4 & 6. Same is taken on record.

3. S.O. to 10.09.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 16.07.2024

O.A. NOS. 445, 446, 447, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 494, 113, 114 ALL OF 2017, MA. NO. 325/2017 IN O.A. ST. 941/2017, M.A. NO. 36/2019 IN MA ST. 82/2019 IN OA ST. 83/2019, M.A. NO. 144/2019 IN O.A. ST. NO. 400/2019 (Marathwada Van Va Samajik Vanikaran Rojandari Va Kayam Kamgar Karmachari Va Sarva Shrami Sanghatana, Beed & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke and Shri R.L. Chintalwar, learned counsel, learned counsel for the applicants in respective matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters are present. Shri S.S. Shinde, learned counsel for applicants in MA. NO. 325/2017 IN O.A. ST. 941/2017 **(absent)**.

2. When the present matters are taken up for consideration, accommodation is sought by Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the respective applicants. The matters are of the year 2017. In the circumstances, though we are accepting the request of learned counsel for the applicants to

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accommodate him, no longer date can be given. The matters be kept for hearing on 25.07.2024. The parties to take note that in no case the adjournment would be granted and if matters are not proceeded further, the same shall stand dismissed for want of prosecution.

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 16.07.2024

T.A. NO. 09/2023 W.P. NO. 5588/2020
(Sonali S. Bhosale Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.07.2024

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Umesh Mote, learned counsel for respondent no. 02.

2. When the present matter is taken up for consideration, the learned counsel appearing for the applicant, as well as, learned Chief Presenting Officer both have pointed out that the order passed by the Government on 27.07.2020, which is sought to be quashed in the present matter, has already been quashed and set aside by this Tribunal while deciding T.A. Nos. 03 and 04 of 2023 on 20.3.2024. In view of the fact as aforesaid, we need not to pass any elaborate order in this matter. Suffice to say that the reasons as are elaborated in the said order for quashment of the G.R. dated 27.07.2020 would apply in the present matter also. Hence, the following order:-

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T.A. NO. 09/2023
W.P. NO. 5588/2020

ORDER

(i) The respondents are directed to continue the services of the applicant in the present Transfer Application working under Jal Jivan Mission, subject to giving satisfactory performance, till completion of the aforesaid project or till the applicant attains the age of superannuation, whichever occurs earlier; of course, subject to earlier termination either if any on medical or disciplinary grounds or for on unsatisfactory performance.

(ii) The Transfer Application stands allowed in the aforesaid terms. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

T.A. NO. 05/2023 (W.P. 4762/2020)
(Vinayak S. Ware & Ors. Vs. The State of Maharashtra & Ors.)

T.A. NO. 06/2023 (W.P. 4765/2020)
(Ubale S. Suresh & Ors. Vs. The State of Maharashtra & Ors.)

T.A. NO. 16/2023 (W.P. 5776/2021)
(Ganajan Tehare & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

None present for the applicants in T.A. No. 05/2023. Shri Sayyed Tauseef Yaseen, learned counsel for the applicants in T.A. Nos. 06 & 16/2023, Shri M.B. Bharaswadkar, learned counsel for respondent authorities in all these matters and Shri R.R. Bangar, learned counsel for respondent no. 1 in T.A. no. 16/2023, are present.

2. Learned counsel for the applicants Shri Sayyed Tauseef Yaseen seeks some accommodation in the present matters.

3. S.O. to 01.08.2024.

MEMBER (A)

VICE CHAIRMAN

T.A. NO. 07/2023 W.P. NO. 5233/2020
(Pralhad K. Ugale Vs. The State of Maharashtra & Ors.)

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

DATE : 16.07.2024

ORAL ORDER :

Heard Shri A.R. Tapse, learned counsel holding for Shri S.A. Nagarsoge, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri R.R. Bangar, learned counsel for respondent no. 01.

2. When the present matter is taken up for consideration, the learned counsel appearing for the applicant, as well as, learned Chief Presenting Officer both have pointed out that the order passed by the Government on 27.07.2020, which is sought to be quashed in the present matter, has already been quashed and set aside by this Tribunal while deciding T.A. Nos. 03 and 04 of 2023 on 20.3.2024. In view of the fact as aforesaid, we need not to pass any elaborate order in this matter. Suffice to say that the reasons as are elaborated in the said order for quashment of the order dated 27.07.2020 would apply in the present matter also. Hence, the following order:-

::-2-::

T.A. NO. 07/2023
W.P. NO. 5233/2020

ORDER

(i) The respondents are directed to continue the services of the applicant in the present Transfer Application working under Jal Jivan Mission, subject to giving satisfactory performance, till completion of the aforesaid project or till the applicant attains the age of superannuation, whichever occurs earlier; of course, subject to earlier termination either if any on medical or disciplinary grounds or for on unsatisfactory performance.

(ii) The Transfer Application stands allowed in the aforesaid terms. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 16.07.2024

Corrected order is uploaded in Final Judgment Category.