ORIGINAL APPLICATION NO. 625/2021 (Yogesh Janardhan Korade Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER:

Heard Shri O.D. Mane, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present applicant has filed the present Original Application seeking quashment of the order dated 2.9.2020 passed by the respondent no. 2 i.e. the Director General of Police, Maharashtra State, Mumbai whereby the applicant has been posted at Police Commissionarate at Nagpur. It is the contention of the applicant that the Police Establishment Board, which is the authority for giving posting and effecting transfers etc. though had taken a decision that the candidates having Home Districts as Amravati, Yewatmal, Washim, Buldhana, Nagpur, Nanded, Parbhani, Hingoli, Jalgaon and Nashik, will be selected for giving appointment in Gadchiroli, as well as, Nagpur region. In other words the candidates whose Home

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District is Aurangabad when were not supposed to be posted at Nagpur the applicant has been given posting at Nagpur.

3. It is the contention of the applicant that there is no bona-fide intention in deviating from the decision taken by the Police Establishment Board. The learned counsel submitted that respondents have done it to facilitate postings of some candidates as per their choice. It is the contention of the learned counsel that the posting given against the decision of the Police Establishment Board is liable to be set aside. It is the further contention of the learned counsel that the applicant is entitled to stay at the present posting at Beed.

4. The learned Presenting Officer has opposed the submissions made on behalf of the applicant. The learned PO submitted that the post on which the applicant has been selected and appointed is transferable anywhere in the State and as such the applicant cannot make any grievance for his posting in Nagpur Region. The learned P.O. has therefore prayed for dismissal of the O.A.

<u>O.A. NO. 625/2021</u>

5. I have carefully perused the pleadings in the O.A., as well as, the documents filed on record. The minutes of the meeting of the Police Establishment Board held on 27.8.2021 are placed on record by the respondents (page 100 to 103 of paper book). I have perused the contents of the minutes so recorded. I deem it appropriate to reproduce the said contents, which are in 3 small paragraphs, which read thus :-

"पोलीस आस्थापना मंडळ क.०२ यांचे दि. २८.०८.२०२१ रोजीच्या बैठकीचे इतिवृत्त

पोलीस उप निरिक्षक दर्जाच्या अधिका-यांचे सत्र १९७ मधील अधिका-यांनी त्यांचे जिल्हा प्रशिक्षण पूर्ण केले असून नमूद अधिका-यांना नियमित पदस्थापना देणे प्रस्तावित आहे. त्या अनुषंगाने सदर परि. पोलीस उप निरिक्षकांची यादी वर्तुळाकार पध्दतीने पोलीस आस्थापना मंडळ क. ०२ यांचेसमोर सादर करण्यात आली. त्या अनुषंगाने पोलीस दलातील गट ब (अ राजपत्रित) अधिका-यांच्या पदस्थापनेबाबत पोलीस आस्थापना मंडळ यांनी सांगोपांग विचार केला.

पोलीस आस्थापना मंडळ क. ०२ यांनी पोलीस आयुक्त, नागपूर शहर यांचे आस्थापनेवर प्रशासकीय कारणास्तव रिक्त असलेल्या जागांचे अनुषंगाने अमरावती, यवतमाळ, वाशिम, बुलढाणा, नागपूर, नांदेड, परभणी, हिंगोली, जळगांव, नाशिक, हे मूळ जिल्हा / ख्य्याम जिल्हा असलेल्या उमेक्वारांची निवड हा निकष लावण्यात आला त्यानुसार एकूण ८० परिविक्षाधीन पोलीस उप निरीक्षकांपैकी गडचिरोली परिक्षेत्रात ५७ तर नागपूर शहर येथे ५५ पदांना नियमित नेमणूका देण्याचा निर्णय घेण्यात आला.

पोलीस आस्थापणा मंडळ क. ०२ ने महाराष्ट्र पोलीस कायदा, १९५१ चे कलम २२ (न) २ अन्वये प्राप्त अधिकारांचा वापर करून, सत्र क. ११७ मधील पोलीस आयुक्त, नागपूर शहर यांचे आस्थापनेवर प्रशासकीय कारणास्तव खालील नमूद २५ परि. पोलीस उप निरिक्षकांना नियमित नेमणूका देण्यास मान्यता दिली आहे."

6. It is true that as per the minutes of the meeting, the candidates, whose home district is Aurangabad were not supposed to be posted at

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Nagpur. Aurangabad is the Hometown of the applicant and the same has been recorded in his service record.

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The learned PO was called upon to explain the 7. decision taken and recorded in the meeting held by Police Establishment Board, which Ι have reproduced hereinabove. The learned PO however could not explain as to why the persons from Aurangabad Region or whose Hometown / District is Aurangabad are appointed in Nagpur Commissionarate when the decision was otherwise.

8. Though it prima-facie appears that the applicant has been posted at Nagpur contrary to the decision taken by the Police Establishment Board, the applicant has not disclosed or explained as to what prejudice is caused to him because of such The applicant is not disputing that his posting. services are transferable and he can be posted anywhere in the State of Maharashtra. From the record it is further revealed that the applicant is not the only candidate from Aurangabad region, who has been posted at Nagpur Police Commissionarate and there are more than 20 such officers from

<u>O.A. NO. 625/2021</u>

Aurangabad Region who have been given posting at Nagpur. Except the applicant, however, none of the said officer seems to have made any grievance about their posting at Nagpur. Having regard to the aforesaid fact the possibility of incorrect recording of the minutes of meeting cannot be ruled out. The applicant has not disclosed any reason for his unwillingness to work at Nagpur. In the circumstances, I see no reason for causing interference in the impugned order. Hence the order:

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<u>O R D E R</u>

The present Original Application stands dismissed however without any order as to costs.

ARJ O.A. NO. 625 OF 2021

ORIGINAL APPLICATION NO. 121/2021 (Sukhadev Jadhav & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER:

Shri DK Dagadkhair, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has tendered across the bar the rejoinder affidavit. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 9.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 263/2021 (Dattatraya Haral Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri SB Solanke, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that in spite of granting last chance for filing the rejoinder, the same could not be filed. He submits that some more time may be granted to the applicant for filing the rejoinder. In the interest of justice time to file rejoinder is granted as a one more last chance. It is however made clear that if on the next date the rejoinder is not filed, the matter will be placed for hearing without having on record the rejoinder of the applicant.

3. S.O. to 9.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 765/2021 (Shivaji Wayal Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri RL Jakhade, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Though one more last chance was granted to the applicant for filing rejoinder, till date the same is not filed. The learned counsel has sought further time for filing rejoinder. In the interest of justice time to file rejoinder is granted. It is however made clear that if on the next date the rejoinder is not filed, the matter will be placed for hearing without having on record the rejoinder of the applicant.

3. S.O. to 12.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 772/2022 (Prakash Salve & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Smt. Neha Kamble, learned counsel for the applicants and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance was granted to the respondent no. 1 for filing reply, till date the same is not filed. The learned PO has sought further time for filing reply of respondent no. 1. In the interest of justice, time granted as a one more last chance.

3. S.O. to 24.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 17/2022 (Baburao Kamble Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri SS Tandale, learned counsel for the applicant (**absent**). Shri NU Yadav, learned Presenting Officer for the respondent authorities, is present.

2. At the request of learned PO, S.O. to 12.12.2022 for filing reply of res. Nos. 1, 2 & 4.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 269/2022 (Sharda Andure & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri GR Jadhav, learned counsel holing for Shri AS Shelke, learned counsel for the applicants and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 8.12.2022 for filing affidavit in reply of respondent no. 1.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 421/2022 (Nandkishor Joshi Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri SB Jadhav, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO submits that during the course of the day he will file the affidavit in reply of the respondents. It be taken on record and copy thereof be supplied to other side.

3. S.O. to 2.12.2022 for filing rejoinder, if any, by the applicant.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 424/2022 (Raosaheb Jare Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 2.12.2022 for filing the rejoinder.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 433/2022 (Prakash Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 16.11.2022

ORAL ORDER:

Shri VG Pingle, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has tendered across the rejoinder of the applicant. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 12.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 469/2022 (Arun Joshi Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER:

Shri AS Deshmukh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 12.12.2022 for filing the affidavit in reply of the respondents.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 549/2022 (Mangal Khetre Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 12.12.2022 for filing the affidavit in reply of the respondents.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 701/2022 (Raosaheb Pallewas Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri SD Joshi, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the affidavit in reply of respondent nos. 1 to 4. It is taken on record and copy thereof has been supplied to other side. As the respondents have filed the affidavit in reply it can safely be inferred that all the respondents are served with the notice of the Tribunal.

3. S.O. to 5.12.2022.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 692/2022 (Avinash T. Dhondge Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned counsel for respondent no. 2.

2. When the present matter is taken up for consideration the learned CPO makes a statement that within one week the posting order of the applicant will be issued. The learned CPO has therefore prayed for adjourning the present matter by one week. The request is accepted.

3. S.O. to 25.11.2022 for hearing.

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

ARJ ORAL ORDER 16.11.2022

O.A. NOS. 892, 893 AND 895 ALL OF 2022 (Balaji Potdar & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicants in all these matters and Shri MS Mahajan, Chief learned Presenting Officer for the respondent authorities in all these matters, are present.

2. With the consent of both the sides, S.O. to 18.11.2022 for hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 965/2019 (Ashok S. Birajdar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities.

2. The present Original Application is filed by the applicant aggrieved by the inaction on part of respondent no. 1 in not deciding the proposal dated 22.12.2016 forwarded by respondent no. 3 to it recommending grant of deemed date to the present applicant in respect of the appointment on the post of Assistant Police Sub Inspector and to give him the consequential benefits.

3. In the affidavit in reply filed the respondents have admitted that the said proposal is still pending for consideration. In the circumstances, I deem it appropriate to dispose of the present OA with the following order :-

::-2-:: **0.A. NO. 965/2019**

ORDER

(i) The respondent no. 1 shall take the decision on the proposal dated 22.12.2016 forwarded to it by respondent no. 3 in respect of grant of deemed date to the present applicant for his appointment on the post of Assistant Police Sub Inspector within the period of 8 weeks from the date of this order.

(ii) The present Original Application stands disposed of in above terms however without any order as to costs.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 99/2021 (Shrikant V. Mundhe Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri V.M. Maney, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The learned counsel for the applicant has tendered across the bar the written notes of arguments annexed with certain documents. The same are taken on record and copies thereof are given to other side.

3. The arguments of both the sides are heard for some time.

4. S.O. to 5.12.2022.

5. The matter be treated as part heard.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 193/2021 (Dr. Govardhan S. Doifode Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER:

Shri VB Wagh, learned counsel holding for Shri UB Bondar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 13.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

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

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 16.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 620/2018 (Baban D. Gadekar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri VM Maney, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 9.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 640/2019 (Pradeep M. Kaushike Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri SD Joshi, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 9.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 691/2019 (Rajendra B. Potdar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri SP Dobhale, learned counsel holding for Shri AN Gaddime, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 to 6. It is taken on record and copy thereof has been given to other side.

3. S.O. to 30.11.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 874/2019 (Sahedabegam Shaikh Younus Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER:

Shri Sanjay Kolhare, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 22.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 115/2021 (Kadubai S. Gaikwad Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri RK Khandelwal, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 8.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 361/2021 (Madhukar G. Misal Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri CV Dharurkar, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 29.11.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 578/2021 (Nanasaheb S. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri CV Dharurkar, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 29.11.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 761/2021 (Pradeep B. Pawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri DR Patil, learned Presenting Officer for the respondent authorities and Shri NN Desale, learned counsel for respondent no. 3, are present.

2. With the consent of both the sides, S.O. to 14.12.2022 for final hearing.

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

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 762/2021 (Babu M> Dhdhare & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 6.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 23/2022 (Samadhan B. Rathod Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 9.12.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 99/2018 (Sanjay R. Patange Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER:

Shri Ajay S. Deshpande, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 22.11.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO. 597/2020 (Amol S. Shidore Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri SR Andhale, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 28.11.2022 for final hearing.

ARJ ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NOS. 62, 63, 64, 65, 120 AND 130 ALL OF 2021 (Bhaskar N. Patil & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Heard Shri Prafullasing H. Patil, learned counsel for the applicants in all these matters and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in all these matters.

2. All these Original Applications are arising from common issue and therefore decided together by this common order.

3. All these applicants stood retired on 30th June of their respective year of retirement. Their next increment was due on 1st July of the respective year in which they have retired. Since the applicants retired on attaining the age of superannuation before 1st July of their respective year of retirement, the respondents did not grant them the benefit of increment of the said year. In all these matters the applicants have prayed for holding them eligible for next increment, which fall due one day after their retirement. ::-2-::

<u>O.A. NOS. 62, 63, 64, 65, 120</u> AND 130 ALL OF 2021

4. The learned counsel has relied upon the judgment of the Hon'ble Division Bench of Hon'ble Bombay High Court, Bench at Aurangabad recently delivered on 12.10.2022 in the case of **Shri Ramesh Eknath Suryawanshi and Others Vs. the State of Maharashtra through its Chief Secretary and Others, WP No. 10272/2022** as well as, the judgments earlier delivered by this Tribunal at principal seat at Mumbai and by this Bench in support of his case and has prayed for allowing these applications.

4. The learned Presenting Officer fairly conceded that the judgments relied upon by the learned counsel for the applicant are supporting the contentions raised and prayers made by the applicants in their respective OAs. The learned PO therefore submitted for passing appropriate orders.

5. It is not in dispute that all these applicants have retired after attaining the age of superannuation on 30th June of the respective year of retirement. It is also not disputed that vide orders impugned in the respective OAs the

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<u>O.A. NOS. 62, 63, 64, 65, 120</u> <u>AND 130 ALL OF 2021</u>

respondents have refused the request made by the applicants for grant of next increment, which fell due on the next day of their retirement.

6. I deem it appropriate to reproduce herein below para nos. 3 & 4 of the judgment delivered by the Hon'ble Bombay High Court, Bench at Aurangabad on 12.10.2022 in the case of **Shri Ramesh Eknath Suryawanshi and Others** (cited supra), which read thus :-

> "3. The issue raised is no longer res integra, having been concluded by the learned Division Bench of the Madras High Court, vide judgment dated 15.09.2017, in WP No.15732/2017, filed by P.Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others, which judgment has been sustained by the Hon'ble Supreme Court, vide order dated 23.07.2018, in Petition (Civil) Special Leave Diary No.22283/2018. Even this Court has passed several orders granting such benefits, which have been sustained by the Hon'ble Supreme Court.

> 4. In view of the above, this petition is partly allowed. The petitioners are entitled to the notional addition of the last yearly increment for the purpose of calculating their pension, gratuity, earned leave, commutation benefits etc. In so far as arrears of the benefits are concerned, the petitioners would be entitled for the same for a

::-4-::

<u>O.A. NOS. 62, 63, 64, 65, 120</u> AND 130 ALL OF 2021

period of three years, preceding the date of filing of this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioners, on or before 30.12.2022."

7. It will also be useful to refer to the discussion made by the principal seat of this Tribunal at Mumbai in the case of **Shri Sadashiv Kashinath Inamke & Ors. Vs. the State of Maharashtra & Ors., O.A. No. 950/2019 with other OAs** on 5.7.2022. Considering the earlier judgments on the issue the Tribunal has recorded following finding in para 15 of the said judgment, which reads thus :-

> "15. In view of the aforesaid legal position, the Applicants cannot be deprived of benefit of increment which was due on 1st July of the concerned year. All that learned P.O. submits that since the Applicants have approached belatedly, the actual monetary benefits be restricted to three years preceding to filing of Original Applications. I find merit in her submission on the point of arrears. Indeed, the Applicants have filed these proceedings long after retirement when they got knowledge of the judgment of the Hon'ble Supreme Court giving benefit of increment due on next day of retirement. Be that as it may, insofar as arrears are concerned, it will have to be restricted to three years preceding to the date of filing proceeding."

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<u>O.A. NOS. 62, 63, 64, 65, 120</u> <u>AND 130 ALL OF 2021</u>

8. In view of the judgments relied upon by the learned counsel for the applicants there has remained no doubt that the employees who stood retired on 30th June of their respective year of retirement on attaining the age of superannuation, must be held entitled for next increment which fell due on immediately next day of their retirement and all the consequential benefits deserve to be granted in their favour. Hence, the following order :-

<u>O R D E R</u>

(i) All these Original Applications stand allowed.

(ii) The Applicants are held entitled for increment due on 1st July of the concerned year of their retirement. It shall be reckoned with for the purpose of pension and gratuity and other retiral benefits subject to rider that the Applicants would be entitled to arrears of monetary benefits for the period of three years only preceding the date of filing Original Applications.

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<u>O.A. NOS. 62, 63, 64, 65, 120</u> <u>AND 130 ALL OF 2021</u>

(iii) The Respondents are directed to make payment of arrears accordingly within three months from today and also to ensure that revised pension is paid accordingly.

(iv) No order as to costs.

VICE CHAIRMAN

ARJ O.A. NOS. 62, 63, 64, 65, 120 AND 130 ALL OF 2021

ORIGINAL APPLICATION NO.600/2022 (Dr. Rahimoddin Rasulsab Shaikh Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman <u>DATE</u>: 16-11-2022 <u>ORAL ORDER</u>:

Heard Shri J.B.Choudhary, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri P.R.Tandale, learned Counsel for respondent no.4.

2. Grievance of the applicant in the present O.A. is that without there being any authority vested in respondent no.4, it has relieved the applicant from the post of Taluka Health Officer vide the impugned order. Learned Counsel for the applicant has relied upon the Government Circular dated 07-03-2002, more particularly, clause 4 thereof, which reads thus:

"४) शिस्तभंग / गैरवर्तणुकीच्या कारणास्तव अधिका—यां विरूध्द / कर्मचा—यां विरूध्द नियमा नुसार कारवाई करण्यात यावी. गंभीर प्रकरणी अधिका—यांची बदली तातडीने करणे आवश्यक वाटल्यास तसा प्रस्ताव शासनाकडे मान्यतेसाठी सादर करण्यात यावा. शासनाच्या मान्यतेशिवाय बदली अथवा एकतर्फी कार्यमुक्तते बाबतची कार्यवाही केली गेल्यास ती गंभीर अनियमितता समजून बदली कार्यमुक्त करण्यास जबाबदार असलेले अधिकारी शिस्तभंगाच्या कार्यवाहीस पात्र ठरतील."

=2= O.A.NO.600/2022

3. Learned Counsel submits that the impugned order passed by respondent no.4 is, per se, illegal and he has, therefore, prayed for setting aside the said order.

Shri P.R.Tandale, learned Counsel for Zilla 4. Parishad, Latur-respondent no.4, supported the impugned order. Learned Counsel referring to Section 95(2) of the Maharashtra Zilla Parisahds and Panchayat Samitis Act, 1961 submitted that considering serious complaints against the applicant, respondent no.4 was constrained to take the immediate action of relieving the applicant to ensure that he does not interfere with or fabricate the evidence available against him. Learned Counsel further submitted that subsequently the Government had considered the request of the Zilla Parishad and accordingly given posting to the applicant at Primary Health Centre, Waibazar, Tq. Mahur, Dist. Nanded. Learned Counsel in the circumstances has prayed for dismissal of the O.A.

5. Learned CPO has also supported the impugned order. Learned CPO submitted that in the contingency as has arisen in the present matter, it

=3= O.A.NO.600/2022

cannot be said that there is absolute bar for one sided relieving of an employee serving under Zilla Parishad. Learned CPO submitted that provision in the Circular relied upon by the applicant has to be constructively interpreted not only in letter but also in spirit. Learned CPO has further submitted that though the applicant has been given posting at Waibazar, he did not join on the said post till date. Learned CPO, therefore, also prayed for dismissal of the O.A.

6. On such submissions made by the learned CPO, learned Counsel for the applicant submitted that there was an interim order passed by the Tribunal in his favour whereby respondents were directed to allow the applicant to work on the same post on which he was working at Ausa, Dist. Latur. Learned Counsel further added that neither the applicant was allowed to work on the said post despite there being order of this Tribunal nor the salary of the said period has been paid to the applicant till date. Learned Counsel for the applicant has relied upon earlier decision delivered on 07-10-2015 by this Tribunal in O.A.No.477/2015

=4= O.A.NO.600/2022

in the identical facts and circumstances. Learned Counsel has prayed for similar order in the present matter also.

7. I have duly considered the submissions advanced by the parties. I would first like to deal with the authority of respondent no.4 for passing the impugned order. It has to be decided in light of the guidelines issued in Government Circular dated 07-03-2002. I have already reproduced hereinabove the relevant clause of the said Circular. From the wordings of clause 4, there remains no doubt that respondent no.4 was not having any right or authority to unilaterally relieve the applicant without referring the matter to the Government or the parent department. Even if it is agreed that there were certain charges against the applicant, respondent no.4 must have referred the said matter to the Health Department with a request for either transfer or for taking further action of suspension or relieving him from the existing post. Thus, respondent no.4 could not take any such action at his own and must have referred the matter to the Government.

=5= O.A.NO.600/2022

8. In O.A.No.477/2015, in identical situation, this Tribunal has also held the action taken by CEO, Zilla Parishad, Ahmednagar in the said matter unsustainable and it was set aside.

9. Though the learned Counsel for Zilla Parishad and learned CPO for respondent authorities have sought to contend that respondent no.4 was holding such authority in the contingency which has arisen in the present matter, they have not brought to my notice any such provision in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 or in Maharashtra Civil Services Rules. Provision which has been relied upon by the learned Counsel for the Zilla Parishad cannot be applied in the facts and circumstances of the present case.

10. It has to be stated that in the Circular issued by the Government on 07-03-2002, care has been taken of all circumstances and situations and certain guidelines are thereafter laid down therein. Applying the said guidelines, respondent no.4 could not have passed such an order. Impugned order, therefore, has to be set aside and it is accordingly set aside.

=6= O.A.NO.600/2022

11. The next question arises - what would be consequences of cancellation of the impugned order? Such question arises since subsequently certain developments had taken place and Tribunal cannot be oblivious of the said developments which are brought to its notice.

12. It is the matter of record that there is an interim order in favour of the applicant. I deem it appropriate to reproduce paragraph 6 of the interim order dated 05-07-2022 passed by this Tribunal, which reads thus:

"б. It is true that the applicant by the 01.07.2022 impugned order dated (Annexure A-1) has been relieved ex-parte by the respondent No. 4 by purportedly exercising his powers under 14(2)(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. However, opening words of sub-rule (2) is that prima-facie, after receipt of and in the light of the findings in the disciplinary proceeding conducted against the Government servant, such power is to be exercised. There is nothing on record to show that the disciplinary action is initiated against the applicant. In O.A. No. 600/2022 such circumstances, in my considered opinion, the impugned order of relieving the applicant

O.A.NO.600/2022

ex-parte on 01.07.2022 is directly in contravention of the provisions of G.R. dated 07.03.2002 (Annexure A-8). In view of the same, even if the applicant is already relieved ex-parte, I am constrained to grant stay to the execution and implementation of the said impugned order by restoring position of the applicant as on the date of passing the order. In the facts and circumstances, interim relief is granted The applicant accordingly. to give undertaking of his good behavior while discharging his duties."

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13. It is evident that the stay was granted by the Tribunal for execution and implementation of the impugned order by restoring position of the applicant as on the date of passing of the order. It is further not in dispute that the respondents have not allowed the applicant to continue on the post of Taluka Health Officer, Ausa, despite there was an order of this Tribunal. It has come on record that in the meanwhile, applicant himself moved the respondent department and requested for giving him posting at some place in view of the fact that respondent no.4 was not allowing him to join at Ausa, Dist. Latur. It has further come on record that considering the request made by the applicant, Deputy Director, Health Services, Latur Region,

=8= O.A.NO.600/2022

Latur has posted the applicant at Primary Health Centre, Waibazar, Tq. Mahur, Dist. Nanded vide its order dated 10-10-2022. Learned Counsel brought to my notice that the application was preferred by the applicant on 26-09-2022. It came to be considered and he has been given new posting. These facts will have to be considered while passing further order in the matter.

14. Though the impugned order has been set aside by me, I find it necessary to pass further order for the reason that hereinafter there shall not be any confusion as about the wages of the applicant for the intervening period. As has been submitted by the learned Counsel for the applicant, applicant has not been paid salary of the intervening period. It appears to me that the applicant shall not now insist for his posting at P.H.C. Ausa, Dist. Latur considering the overall situation and if he wants to discharge his duties peacefully, it will be in his interest to serve elsewhere and he may, therefore, join on the said new posting as may be given by the respondent department. The applicant has not yet joined, at Waibazar though order has been passed on 10-10-2022. In the circumstances, it appears to

=9= O.A.NO.600/2022

me that the dispute arose in the matter can be resolved by passing the following order which may put an end to further litigation and would serve interest of both the parties.

- Impugned order dated 01-07-2022 issued by respondent no.4 is quashed and set aside without any further consequence.
- (ii) Respondent nos.1 and 2 are directed to issue fresh posting order to the applicant and applicant shall join at the said posting within the time which may be stipulated in the said order.
- (iii) It is further directed that the intervening period starting from July, 2022 till the applicant joins at the new posting shall be treated as compulsory waiting period, for which, the applicant will be entitled for the wages in accordance with law.
- (iv) O.A. stands allowed in the aforesaid terms without any order as to costs.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION ST.NO.962/2022 (Dinkar Gawande Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

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

2. When the matter is taken up for consideration, it is noticed that Registry has raised objection as about limitation having regard to the prayers made in the O.A. Learned Counsel for the applicant submits that there are certain subsequent developments and in the circumstances he has prayed for permitting the applicant to withdraw the present O.A. with leave to file a fresh application.

3. Since the matter has not yet been taken cognizance of, the applicant can be permitted to withdraw the present O.A. However, in so far as the leave is concerned that will be subject to the period of limitation and the applicant will have to satisfy the Tribunal as about the limitation even after the

O.A.NO.962/2022

fresh application is filed. In view above, following order is passed:

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O.A. stands disposed of since withdrawn with leave as prayed for, subject to law of limitation.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.138/2022 (Rajaram C. Sevalikar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. It is the grievance of applicant in the present O.A. that without there being any provision of law in any Act, Rules or Regulations, respondent no.4 vide the impugned order dated 07-01-2022 has directed the applicant to proceed on compulsory leave. Learned Counsel for the applicant submits that the issue was for consideration before this Tribunal in O.A.No.235/2013 and this Tribunal by order dated 05-09-2013 has allowed the said O.A. observing that there is no such provision in Act, Rules or Regulations.

3. Learned Counsel further submitted that in the affidavit in reply filed on behalf of the respondents they have not quoted any such provision which

O.A.No.138/2022

authorizes or empowers respondent no.4 to pass the impugned order. Learned Counsel, therefore, has prayed for allowing the present O.A.

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4. Learned P.O. has reiterated the contentions raised in the affidavit in reply filed on behalf of respondent nos.1 to 4. However, learned P.O. could not bring to my notice any rule or provision in any Act, Rules or Regulations which vests right in respondent no.4 to pass such order. Learned P.O. was also unable to state whether order passed by this Tribunal in O.A.No.325/2013 was challenged before the Hon'ble High Court or whether any other precedence is there supporting stand taken by the respondents.

5. In the circumstances, I see no reason for taking any contrary view than was taken by this Tribunal while deciding O.A.No.235/2013. Hence, the following order:

(i) Impugned order dated 07-01-2022 issued by respondent no.4 is quashed and set aside.

=3=

O.A.No.138/2022

- Consequently, respondents are directed to (ii) permit the applicant to discharge his duties on the post from which he was asked to proceed on compulsory leave.
- O.A. stands allowed in the aforesaid terms (iii) without any order as to costs.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.476/2020 (Laxmikant Deshpande Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Heard Shri R.N.Bharaswadkar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Applicant has preferred the present O.A. seeking direction against the respondents to transfer or depute the applicant from his present posting at Biloli, Tq. & Dist. Nanded to the office of District Deputy Registrar, Co-operative Societies, Nanded for the reasons as elaborated in the O.A.

3. When the present matter was heard, it is noticed that before approaching this Tribunal the applicant did not prefer any application or representation to the competent authority requesting for his transfer from Biloli, Tq. & Dist. Nanded to the office of District Deputy Registrar, Cooperative Societies, Nanded. In the circumstances, it appears to me that, in fact, there was no cause of

=2= O.A.NO.476/2020

action for the applicant for filing the present O.A. Had the applicant made a representation or request for transfer and had it been rejected on some untenable grounds then the present O.A. could have definitely sustained. Without availing any remedy, the applicant has approached this Tribunal with the prayer as mentioned hereinabove. In absence of any material evidencing that applicant's request was not considered bv the authorities concerned. straightway this Tribunal cannot give any direction for transferring the applicant at a particular place, which would amount to running the administration by this Tribunal. It need not be stated that any action unless it is held to be arbitrary or against the provisions of law, Tribunals are not expected to cause interference in the day to day administration of the Government and its offices.

4. In the circumstances, for the aforesaid reasons the present O.A. cannot be entertained and no relief as has been prayed by the applicant can be granted. It is clarified that it would be, however, open for the applicant to make a representation to the

=3= O.A.NO.476/2020

appropriate authority for the relief which he has sought in the present O.A. O.A. accordingly stands disposed of in the aforesaid terms without any order as to costs.

YUK ORAL ORDER 16.11.2022

M.A.NO.252/2022 IN O.A.ST.NO.954/2022 (Pallavi E. Bhand Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman <u>DATE</u>: 16-11-2022 <u>ORAL ORDER</u>:

Shri O.D.Mane, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that on 10-11-2022, it was not noticed by the office of the CPO that reply has been already received and in the circumstances, request was made for granting time to file affidavit in reply. Learned P.O. further submitted that the Tribunal has granted time to file reply subject to costs of Rs.500/-. It is further submitted that subsequently, it was noticed that reply was ready and accordingly the same is being filed today. Learned P.O. has prayed for taking on record the said affidavit in reply and has also prayed for modifying the earlier order in so far as imposing costs is concerned.

3. Shri O.D.Mane, learned Counsel for the applicant fairly conceded for it. Hence, the following order:

=2= M.A.NO.252/2022 IN O.A.ST.NO.954/2022

Reply filed by the learned P.O. is taken on record. Copy is given to Shri O.D.Mane, learned Counsel for the applicant. Costs imposed on 10-11-2022 is hereby withdrawn.

4. Learned Counsel for the applicant has prayed for time for filing affidavit in rejoinder. Time is granted.

5. S.O. to 24-11-2022.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.216/2022 (Ushal Kate Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Shri S.P.Chate, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

 Learned Counsel for the applicant submits that the applicant is not intending to file any rejoinder.
List the matter for hearing on next date.

3. S.O. to 06-12-2022 for hearing.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.40/2022 (Madhav Nilawad Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Shri S.B.Jadhav, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

 Learned Counsel for the applicant submits that the applicant is not intending to file any rejoinder.
List the matter for hearing on next date.

3. S.O. to 07-12-2022 for hearing.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.323/2022 (Baliram Mahale Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER:

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

 Learned Counsel for the applicant submits that the applicant is not intending to file any rejoinder.
List the matter for hearing on next date.

3. S.O. to 05-12-2022 for hearing.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.798/2022 (Vitthal Gire Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.4. It is taken on record. Copy thereof has been served on the other side.

3. On request of learned Counsel for the applicant, re-issue notice to the respondent no.3, returnable on 22-12-2022.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with

=2= O.A.NO.798/22

complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 22-12-2022.

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

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.400/2022 (Rohit G. Ubale Vs. State of Maharashtra & Ors.)

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

: 16-11-2022 DATE

ORAL ORDER :

Shri Vijay C. Suradkar, learned Counsel for the applicant is **absent**. Shri I.S.Thorat, learned Presenting Officer for the respondent authorities is present.

2. None appears for the applicant. Record shows that on previous occasion also none caused appearance for the applicant.

3. List the matter on 07-12-2022. If the matter is not proceeded further on the given date, necessary orders would follow.

VICE CHAIRMAN

M.A.NO. 473/2022 IN M.A.NO.364/2022 IN O.A.ST.NO.576/2022 (Sudam Kuchekar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER:

Shri B.S.Doifode, learned Counsel holding for Shri K.R.Doke, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. This is an application seeking amendment in the O.A. It is brought to my notice that in the O.A. notices have not yet been issued.

3. In the circumstances M.A.No.473/2022 for amendment is allowed and disposed of. Necessary amendment be carried out within a week.

4. After amendment is carried out, list the matter (M.A.NO.364/2022 IN O.A.ST.NO.576/2022) on 29-11-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.636/2022 (Kavita Khakhale Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16-11-2022

ORAL ORDER :

Shri A.N.Patil Barhate, learned Counsel for the

applicant and Shri D.R.Patil, learned Presenting

Officer for the respondent authorities, are present.

2. S.O. to 02-12-2022.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.823/2022 (Manoj Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Shri A.H.Dhupe, learned Counsel for the applicant is **absent**. Shri S.K.Shirse, learned Presenting Officer for the respondent authorities is present.

2. On previous date i.e. on 13-10-2022 neither applicant nor the Counsel for the applicant was present. Even previous to the said date i.e. on 16-09-2022 also none caused appearance in the matter. Today also, neither the applicant is present nor the Counsel has turned up. It appears that the applicant is not interested in prosecuting the matter further. Hence, the following order:

O.A. is dismissed for want of prosecution.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.443/2022 (Diwakar Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER:

Shri C.V.Thombre, learned Counsel for the applicant is **absent**. Smt. M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities is present.

2. None appears for the applicant.

3. S.O. to 12-12-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.986/2019 (Somnath Nivare Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Heard Shri S.G.Kulkarni, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

 Learned Counsel on instructions received from the applicant seeks leave to withdraw the present O.A. Hence, the following order:

O.A. stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.157/2020 (Ganesh S. Gaikwad Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Shri S.S.Ware, learned Counsel for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri M.R.Kulkarni, learned Counsel for respondent nos.3 & 4, are present.

2. On previous date i.e. on 13-10-2022 following order was passed:

"2. In view of absence of learned Advocate for the applicant, S.O. to 16.11.2022 for passing necessary order."

3. Record shows that previous to the said date i.e. on 20-09-2022 and then on 12-08-2022 also none has caused appearance for the applicant. It seems that the applicant has lost interest in prosecuting the matter further. Hence, the following order:

O.A. stands dismissed for want of prosecution.

VICE CHAIRMAN

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.764/2021 (Rajendra Pol Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

<u>DATE</u> : 16-11-2022

ORAL ORDER :

Shri S.A.Kulkarni, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-12-2022.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.26/2022 (Dr. Eknath Male Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER:

Shri Shamsundar B. Patil, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 06-12-2022.

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.297/2022 (Sandipan Kalle Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER:

Shri A.S.Khedkar, learned Counsel holding for

Shri S.B.Solanke, learned Counsel for the applicant

and Shri B.S.Deokar, learned Presenting Officer for

the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 30-11-2022.

YUK ORAL ORDER 16.11.2022

(19)M.A.NO.62/2019 IN O.A.ST.NO.257/2019 (Babasaheb N. Rakte Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER:

Shri G.R.Jadhav, learned Counsel holding for Shri A.S.Shelke, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. On request of both sides, S.O. to 05-12-2022.

YUK ORAL ORDER 16.11.2022

M.A.NO.02/2021 IN O.A.ST.NO.1333/2020 (Kailas Kalke Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Shri Manoj R. Khutwad, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of both sides, S.O. to 30-11-2022.

YUK ORAL ORDER 16.11.2022

M.A.NO.478/2022 IN O.A.NO.650/2021 (Prakash Vaichal Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER :

Shri A.D.Kawre, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of both sides S.O. to 09-12-2022

YUK ORAL ORDER 16.11.2022

ORIGINAL APPLICATION NO.985/2019 & 996/2019 (Suresh Chate & Anr. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri Justice P.R. Bora, Vice Chairman

DATE : 16-11-2022

ORAL ORDER:

Shri S.D.Joshi, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 08-12-2022.

YUK ORAL ORDER 16.11.2022

O.A.NO.664 OF 2021 WITH M.A.NO.77 OF 2022 (Sanjay D. Gangawane & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. Written notes of arguments filed on behalf of the applicants is taken on record.

4. At the request of the learned Advocate for the applicant, S.O. to 22.11.2022. **High on board**.

MEMBER (A)

MEMBER (J)

C.P.NO.35 OF 2019 IN O.A.NO.59/2017 WITH O.A.NO.273/2017 (Vishwanath Baswante & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri V.P. Golewar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 28.11.2022 for further consideration.

MEMBER (A)

MEMBER (J)

C.P.NO.17/2021 IN O.A.NO.127/2017 (Trimbak D. Tompe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri V.P. Golewar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 28.11.2022 for further consideration.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.891 OF 2018 (Dr. Uddhav S. Khaire Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Dr. Uddhav S. Khaire, party in person and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.42 OF 2019 (Ramraje G. Pawar Vs. State of Maharashtra & Ors.) WITH ORIGINAL APPLICATION NO.43 OF 2019 (Sharad B. Tote Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants in both the O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondents in both the O.As.

2. By consent of both the sides, S.O. to 07.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.946 OF 2019 (Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities. Shri V.R. Sonwalkar, learned Advocate for the respondent Nos.4 & 5, is **absent**.

2. By consent of both the sides, S.O. to 07.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.84 OF 2020 (Chunilal M. Yawalkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Gahte, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 07.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.225 OF 2021 (Surekha B. Andhale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

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

2. By consent of both the sides, S.O. to 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.249 OF 2021 (Dr. Pandit R. Rathod & Ors. Vs. State of Maharashtra & Ors.) WITH ORIGINAL APPLICATION NO.251 OF 2021

(Dr. Swapnil S. Ajabe & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 16.11.2022 ORAL ORDER :

Heard Shri J. S. Deshmukh, learned Advocate for the applicants in both the O.As., Smt. M.S. Patni, learned Presenting Officer for the respondent authorities in both the O.As., Smt. Ashwini Hoge Patil, learned Advocate for the respondent No.4 in O.A.No.251/2021 and Shri N.U. Yadav, learned Advocate for the respondent No.10 in O.A.No.251/2012.

Shri Rakesh Jain, learned Advocate for the respondent No.6 in O.A.No.249/2021, Shri B.S. Shinde, learned Advocate for the respondent No.2 in O.A.No.249/2021, Shri C.D. Biradar, learned Advocate for the respondent No.5 in O.A.No.249/2021 and Shri Sahebrao G. Nandedkar, learned Advocate for the respondent No.11, are **absent**.

2. Affidavit in rejoinder filed on behalf of the applicant in O.A.No.251/2021 is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.252 OF 2021 (Arati A. Ghatkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri S.B. Kakade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 08.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.529 OF 2021 (Kishor N. Salve Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents. Hence, the matter will proceed further without affidavit in reply of the respondents.

3. In view of above, list the matter for hearing on 09.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.14 OF 2022 (Baburao S. Mule & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri S.S. Thombre, learned Advocate for the applicants (**absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents. Hence, the matter will proceed further without affidavit in reply of the respondents.

3. In view of above, list the matter for hearing on 06.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.290 OF 2022 (Aasif Kalekhan Parsuwale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri S.N. Lute, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri R.N. Gore, learned Advocate for the respondent No.4.

2. By consent of all the parties, S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.468 OF 2022 (Smita S. Ingle Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 23.11.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.512 OF 2022 (Sunil B. Magre & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri R.A. Joshi, learned Advocate for the applicants (**absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicants, S.O. to 06.12.2022 for further consideration.

MEMBER (A)

MEMBER (J)

M.A.NO.529/2019 IN O.A.ST.NO.1650/2019 (Gurunath S. Purohit Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri S.S. Jadhavar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents.

3. Hence, list the matter for hearing 30.11.2022.

MEMBER (A)

MEMBER (J)

M.A.NO.40/2021 IN O.A.ST.NO.30 OF 2021 (Ashok M. Prakashkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri D.A. Mane, learned Advocate for the applicant (**absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri S.P. Pandit, learned Advocate for the respondent Nos.1,4,5 & 6.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.633 OF 2012 (Sachin S. Unawane & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u>:

Shri H.A. Joshi, learned Advocate for the applicants (**absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 02.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.728 OF 2013 (Prashant N. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, Shri G.K. Kshirsagar, learned Advocate for the respondent No.16 and Shri K.B. Jadhav, learned Advocate for the respondent Nos.20 to 22. Shri R.P. Dhase, learned Advocate for the respondent No.19, is **absent**.

2. By consent of all the parties, S.O. to 02.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.250 OF 2014 (The Karyakari Adhikari Sanghatana (R.T.O.) Through its Joint Secretary Rameschandra L. Kharade) Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.303 OF 2014 (Prakash N. Shrivastav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 05.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.211 OF 2016 (Jayshri N. More & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri V.B. Anjanwatikar, learned Advocate for the applicants (**absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.961 OF 2017 (Manoj J. Agale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri Suvidh S. Kulkarni, learned Advocate for the applicant (**absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

T.A.NO.5/2018 IN W.P.NO.9261/2018 (Pravin C. Janjal Vs. State of Maharashtra & Ors.) WITH T.A.NO.6/2018 IN .W.P.NO.9314/2018 (Prasanna R. Raut & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 ORAL ORDER :

Shri Nitin S. Kadarale, learned Advocate for the applicant in T.A.5/2018 and Shri Abhay R. Rathod,

applicant in T.A.5/2018 and Shri Abhay R. Rathod, learned Advocate for the applicants in T.A.6/2018, are **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents in both the cases.

2. In view of absence of learned Advocates for the applicants, S.O. to 07.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.142 OF 2018 (Suresh L. Moholkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 08.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.514 OF 2018 (Sahebrao G. Avhad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri Mahesh S. Taur, learned Advocate for the applicant (**absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 08.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.316 OF 2019 (Shamlal C. Bhagure Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri S.S. Bhagure, learned Advocate holding for Shri M.B. karande/M.K. Bhosale, learned Advocates for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.359 OF 2019 (Shantaram M. Sonwane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, 21.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1025 OF 2019 (Dr. Sangeeta S. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 06.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO.54 OF 2020 (Bharatlal T. Dhupe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri Kishor D. Khade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 06.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO. 183 OF 2020 (Rajendra G. Sonawane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 412 OF 2021 (Chetan K. Thakare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed sur-rejoinder on behalf of the respondent Nos. 1 and 2 to the rejoinder affidavit filed by the applicant. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 19.12.2022 for hearing.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

O.A. Nos. 716/2018, 634/2018, 635/2018 & 636/2018 (Atul N. Shirke & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants in all these O.As. and Shri M.P. Gude, learned Presenting Officer for the respondents in all these O.As.

2. At the request of learned Advocate for the applicants, S.O. to 14.12.2022 for re-hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 93 OF 2020 (Jayshree S. Tusamkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri M.S. Choudhari, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 563 OF 2014 (Tushar B. Rajput Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) DATE : 16.11.2022 **ORAL ORDER :**

Heard Shri U.S. Kharat, learned Advocate holding for Shri A.V. Tungar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

At the request of learned Advocate for the 2. applicant, S.O. to 05.12.2022 for final hearing.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

O.A. Nos. 626/2019, 641/2019 & 642/2019 (Sheshrao R. Giri & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri S.K. Mathpati, learned Advocate for the applicants in all these O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. By consent of both the sides, S.O. to 05.12.2022 for final hearing.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO. 707 OF 2019 (Rama M. Shinde Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and

Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri S.K. Mathpati, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri G.N. Patil, learned Advocate for respondent No. 6.

2. Issue notices to the respondents, returnable on 21.12.2022.

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 21.12.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO. 757 OF 2022 (Sunil K. Rodge Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri S.S. Kulkarni, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.12.2022.

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 21.12.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO. 1004 OF 2022 (Nashiket S. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri Nashiket S. Jadhav, applicant in person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.12.2022.

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. Applicant is directed to file affidavit of compliance and notice.

- 7. S.O. to 21.12.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO. 914 OF 2019 (Ravi A. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 16.11.2022 <u>ORAL ORDER</u>:

Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 517 OF 2017 (Anup S. Kulkarni Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri M.V. Bhamre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 08.12.2022.

MEMBER (A)

MEMBER (J)

O.A. No. 304/2019 with O.A. No. 305/2019 (Pandharinath M. Ahire & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) DATE : 16.11.2022

ORAL ORDER :

Heard Shri Harish Bali, learned Advocate for the applicants in both the O.As. and Smt. Deepali S. learned Presenting Officer Deshpande, for the respondent authorities in both the O.As.

2. At the request of learned Advocate for the applicants, S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 362/2019 in O.A. St. No. 1539/2019 (Prakash W. Bhambre Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri Harish Bali, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

O.A. Nos. 519/2018 with O.A. No. 534/2018 (Vishwanath U. Choudhary & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri Avishkar Shelke, learned Advocate for the applicants in both the O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities in both the O.As.

2. At the request of learned Advocate for the applicants, S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

M.A. 489/2022 in M.A. 490/2022 in O.A. 951/2022 (Chetan A. Gangane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri Y.V. Kakade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. By consent of both the sides, S.O. to 18.11.2022. Interim relief granted earlier in O.A. to continue till then.

MEMBER (A)

MEMBER (J)

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri Deepak Choudhari, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 05.12.2022 as a last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 36 OF 2020 (Dr. Pratap M. Shinde & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) DATE : 16.11.2022

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities. Shri S.B. Bhosale, learned Advocate for caveater and Shri S.K. Kadam, learned Advocate for respondent No. 3, **absent**.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 & 2.

3. S.O. to 05.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 37 OF 2020 (Pandurang N. Mendake Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri S.S. Dambe, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 06.12.2022 as a last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 383 OF 2020 (Sachin D. Maindale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri O.Y. Kashid, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 07.12.2022 as a last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 438 OF 2020 (Anil P. Chavan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri Siddheshwar M. Gaikwad, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 07.12.2022 as a last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 446 OF 2020 (Sandip P. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u>:

Shri A.B. Girase, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 08.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 499 OF 2020 (Dr. Gajanan P. Tarpe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri S.G. Magare, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 08.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 565 OF 2020 (Jahangir Fakir Shaikh & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 16.11.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 01.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 12 OF 2021 (Smt. Sadat Begum Arifoddin Siddique Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) DATE : 16.11.2022

ORAL ORDER :

Heard Shri M.S. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 15.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 81 OF 2021 (Sadashiv B. Gitte Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) DATE : 16.11.2022 **ORAL ORDER :**

Heard Shri Alkesh Jadhav, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 21.12.2022.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO. 184 OF 2021 (Haridas S. Ingle Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 13.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A) KPB ORAL ORDERS 16.11.2022

ORIGINAL APPLICATION NO. 318 OF 2021 (Prakash M. Deshmukh Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri Amol Kokad, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 552 OF 2021 (Jabbar Dastgir Pinjari Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Smt. Vinaya Mulay-Dharurkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 688 OF 2021 (Eknath B. Parmeshwar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Shri S.S. Dambe, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 15.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2021 (Ashok B. Pagare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 16.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 776 OF 2021 (Lingoji K. Pokale Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u>:

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

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.

3. S.O. to 02.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 783 OF 2021 (Gulab S. Jondhale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 & 4.

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 1, 3 & 4.

3. At the request of learned Advocate for the applicant, S.O. to 21.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 787 OF 2021 (Raosaheb B. Gunjal Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 to 5.

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 1 & 3 to 5.

3. At the request of learned Advocate for the applicant, S.O. to 21.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 788 OF 2021 (Sunil D. Kulkarni Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri Avinash Khedkar, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 3 to 5.

2. Record shows that affidavit in reply is already filed on behalf of respondent Nos. 3 to 5.

3. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

4. At the request of learned Advocate for the applicant, S.O. to 21.12.2022 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 509 OF 2022 (Grondwater Engineers' Association & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

- 2. Await service of notices upon the respondents.
- 3. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 582 OF 2022 (Dr. Shrikant B. Balwande Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri P.V. Suryawanshi, learned Advocate holding for Shri S.A. Nagarsoge, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities. Shri B.B. Bhise, learned Advocate for respondent No. 4, **absent**.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 05.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A) KPB ORAL ORDERS 16.11.2022 **MEMBER (J)**

ORIGINAL APPLICATION NO. 620 OF 2022 (Uddhav A. Chavan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri A.R. Rathod, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri S.D. Munde, learned Advocate for respondent Nos. 3 & 4, **absent**.

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

3. S.O. to 15.12.2022.

MEMBER (J)

MEMBER (A) KPB ORAL ORDERS 16.11.2022

M.A. No. 224/2019 in O.A. No. 236/2019 (Sanjay B. Udar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

M.A. No. 97/2021 in O.A. St. No. 329/2021 (Baban R. Zagade Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u> : 16.11.2022 <u>ORAL ORDER</u> :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.

3. S.O. to 06.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 471/2022 in O.A. No. 579/2022 (Dr. Satyavijay N. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 16.11.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 02.12.2022.

MEMBER (A)

MEMBER (J)

C.P. No. 34/2022 in O.A. No. 78/2022 (Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) and Hon'ble Shri Bijay Kumar, Member (A)

DATE : 16.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents in C.P., returnable on 21.12.2022.

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 21.12.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A) KPB ORAL ORDERS 16.11.2022 MEMBER (J)

ORIGINAL APPLICATION NO. 809 OF 2022 (Hanmant S. Kadam Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Ms. Pooja Mundhe, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 07.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 717 OF 2022 (Vilas S. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri Prashant Deshmukh, learned Counsel for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 14.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 738 OF 2022 (Jagdish M. Sahu Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri S.K. Sawangikar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant has sought time for filing rejoinder affidavit, if any. Time granted.

3. S.O. to 05.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 775 OF 2022 (Satish P. Deshmukh Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri A.B. Rajkar, 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 No. 5. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 02.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 781 OF 2022 (Shaikh Mohd Shahbaz Sk. Mohd. Shakil Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Shri S.B. Solanke, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 14.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 806 OF 2022 (Pathan Mahebub Ahmed Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri M.K. Bhosale, learned Counsel for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

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

3. S.O. to 14.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 869 OF 2022 (Ganpat L. Shewalkar & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, 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. 2 & 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 894 OF 2022 (Umakant K. Damekar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 2 & 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 914 OF 2022 (Uma G. Rajput Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

DATE : 16.11.2022

ORAL ORDER :

Dr. D.B. Pawar-Pathrekar, learned Counsel for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 15.12.2022.

VICE CHAIRMAN

M.A. No. 80/2021 in O.A. St. No. 157/2021 (Digambar D. Vedpathak Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri P.D. Dadpe, learned Counsel for the applicant and Shri S.K. Shirse, 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 No. 1 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 02.12.2022 for filing rejoinder affidavit, if any in M.A.

VICE CHAIRMAN

M.A. No. 320/2021 in O.A. St. No. 1326/2021 (Kalpana B. Padwal Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri S.S. Ware, learned Counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 15.12.2022.

VICE CHAIRMAN

M.A. No. 89/2022 in O.A. St. No. 340/2022 (Prakash N. Thorat Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri Ajay Deshpande, 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 on behalf of respondents in M.A. Time granted.

3. S.O. to 14.12.2022.

VICE CHAIRMAN

M.A. No. 146/2022 in O.A. No. 652/2018 (Indira A. Maind & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri D.K. Dagadkhari, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant has tendered across the bar rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 14.12.2022 for hearing.

VICE CHAIRMAN

M.A. No. 355/2022 in O.A. St. No. 1318/2022 (Dileep B. Phatangare Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri G.R. Jadhav, learned Counsel holding for Shri Avishkar Shelke, learned Counsel for the applicant and Shri S.K. Shirse, 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. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 08.12.2022 for filing rejoinder affidavit in rejoinder, if any in M.A.

VICE CHAIRMAN

M.A. No. 426/2022 in O.A. St. No. 868/2022 (Pradyumnakumar P. Gosavi Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

<u>DATE</u> : 16.11.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 15.12.2022.

VICE CHAIRMAN