

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 16/02/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	CP13/24 In OA739/21	S'pur	Adv.S B Solanke (Vilas M Yadav & Ors.)	Contempt Petition		04.04.2024
2	CP14/24 In OA740/21	Chh.S'Nagar	Adv.S B Solanke (Indrakumar S Auti & Ors.)	Contempt Petition		04.04.2024
3	CP15/24 In OA741/21	A'vati	Adv.S B Solanke (Rahul V Manjare & Ors.)	Contempt Petition		04.04.2024
4	CP19/24 In OA532/23	O'bad	Adv.Ajay S Deshpande (Prakash H Khaparde)	Contempt Petition		04.04.2024
5	MA42/24 In OAS1874/23	Hingoli	Adv.M R Kulkarni (Dr. Pratap D Chavan)	M.A. For Condonation of Delay		04.04.2024
6	MA61/24 In OAS306/24	Beed Etc.	Adv. J S Deshmukh (Dr. Shobha M Munde & Ors.)	M.A. For Sue Jointly		M.A. Allowed 13.03.2024
7	OA165/24	N'bar	Adv. A D Sugdare (Sushant S Dhanavade)	Selection Process		13.03.2024
8	OA166/24	N'bar	Adv. A D Sugdare (Pranita S Kamble)	Selection Process		13.03.2024

9	OA167/24	Dhule	Adv. A D Sugdare (Amarsingh R Hajari)	Selection Process		13.03.2024
10	OAS231/24	Jalna	Adv.Sayyed Tauseef Yaseen (Yahiya M Shaikh)	Appointment	Circulation with Office Objection	Remove from board
11	OAS258/24	A'bad	Adv.Deepak D Choudhari/ Adv.Ramesh B More (Krushna V Tayade)	Selection Process	Circulation with Office Objection	22.03.2024
Order Matters						
12	MA138/19 In OA805/17	A'bad	Adv.Vishnu Dhoble (Dr.Vanita N Puri) <u>Adv.Avinash Deshmukh for R.No.4 in OA805/17</u>	M.A. For Condonation of Delay	For Hearing	Disposed of
13	MA363/21 In OAS1149/21	Latur	Adv.K M Nagarkar (Ramling M Bansode) <u>Adv.Ajinkya Reddy For R.Nos.3 & 4</u>	M.A. For Condonation of Delay	Reply Filed by R-3 & R-4	11.03.2024
14	MA115/22 In OAS138/22	A'bad	Adv.V R Jain (Mangesh S Vishwasu)	M.A. For Condonation of Delay	For Hearing Reply Filed By R-1 to R-3	Disposed of
15	MA125/23 In OA814/18	Beed	Adv.R K Jadhavar (Chandrasen V Gaisamudre)	M.A. for Amendment		19.03.2024
16	MA584/23 In OA1042/23	Jalna	Adv.R J Nirmal (Yogesh S Dawle)	M.A. For I.R.	For Further Consideration For Hearing Reply Filed by R-3 In OA1042/23	04.03.2024

17	MA62/24 In OA979/23 With Caveat23/23 with	A'bad	Adv.Swapnil S Daregad/ Adv.Syed Daanyaal Hussain IN MA62/24 For Intervenor (Sushant U Sasane) Adv.M S Shaikh In OA979/23 (Vishvjeet V Kulkarni) <u>CPO For Caveator in</u> <u>OA979/23 i.e. Caveat</u> <u>No.23/23</u> (The State of Maharashtra Through Director of Economics and Statistics, Mah. State)	M.A.62/24 For Intervention	Reply Filed by R-1 in OA979/23	06.03.2024
18	OA999/23 With Caveat38/23 With	A'bad	Adv.S S Dambe In OA999/23 (Shivaji B Borkar & Ors.) <u>CPO For Caveator in</u> <u>OA999/23 i.e.</u> (The State of Maharashtra Through The Chief Engineer, Public Works Region, Mumbai and President, State Level Co-ordination Committee, Mumbai) Adv.Sangharssh V Waghmare For Intervenor In MA557/23 (Milind S Rathod & Ors.)	Selection Process		
19	OA1053/23 With Caveat38/23	A'nagar Beed	Adv.A D Gadekar (Babasaheb K Mhaske & Ors.) <u>CPO For R.No.3 i.e.</u> <u>Caveator</u>	Selection Process/ Recruitment Rules		
Due Admission Matters						
20	OA508/20	A'nagar	Adv.C V Dharurkar/ Adv.A S Mirajgaonkar (Bhojane S Prabhakar)	Appointment	<u>Part Heard</u> For Hearing Reply Filed by R-1	23.02.2024

21	CP02/24 In OA530/23	P'rbn	Adv K B Jadhav (Manjusha M Mutha)	Contempt Petition	For Consideration For Compliance Report Reply filed By R-1	Disposed of
22	OA387/18	Beed	Adv.Avinash S Deshmukh (Pramod V Gite) <u>Adv.R D Khadap for R.No.5</u>	Selection/ Appointment (AMVI) Assessment of Answer Sheet	For Hearing Reply Filed by R-1 to R-5	21.03.2024
23	OA380/19	Beed	Adv.C A Shingare (Bhanudas E Ugale & Ors.)	Dismissal	Reply Filed by R-1 to R-3	27.02.2024
24	OA445/19 with	Latur	Adv.Vishnu Dhoble (Mangal P Musande & Ors.) <u>Adv.Sachin Deshmukh for R.Nos.3 & 4</u>	Advertisement	For Hearing Reply Filed by R-3 & R-4	Dispose of
25	OA446/19	Latur	Adv.Vishnu Dhoble (Smt.Shridevi G Dama & Ors.) <u>Adv.Sachin Deshmukh for R.Nos.4 & 5</u>	Advertisement/ Appointment	For Hearing Reply Filed by R-4 & R-5	Dispose of
26	OA685/19	N'bar	Adv.S D Joshi (Shivaji R Thakare)	Departmental Enquiry/ Recovery	For Hearing Reply Filed by R-3	01.03.2024
27	OA724/19	O'bad	Adv.Ajay S Deshpande (Kailas I Khandagale & Ors.)	Selection/ Appointment	For Hearing	28.02.2024
28	OA100/20	A'bad	Adv.R S Sadaphule/ Adv.A G Jadhav (Ashok R Jagdhane)	Major Punishment	For Hearing Reply Filed by R-2 & R-3	23.02.2024
29	OA430/20	Jalna A'bad	Adv.A S Deshmukh (Ashok D Talde & Ors) <u>Adv.R O Awasarmol/ Adv.V D Pagare for R.Nos.13,14,19,21,24,28, 42,61 Adv.D S Pagare for R.Nos.26,30,32,37,56,59</u>	Deem Date/ Seniority/ Promotion	For Hearing Reply Filed by R-1, R-2, R-4, R-13, R-14, R-19, R-21, R-24, R-26, R-28, R-30, R-32, R-37, R-42, R-56, R-59, R-61	19.03.2024
30	OA27/21	Nanded	Adv.Dhananjay A Mane (Mohan G Wadajkar)	Major Punishment/ Quashing Chargesheet/ Pension	For Hearing Reply Filed by R-1	12.03.2024

31	OA28/21	A'bad	Adv.Dhananjay A Mane (Gorakh B Dhakane)	Major Punishment/ Quashing Chargesheet/ Pension	For Hearing Reply Filed by R-1	12.03.2024
32	OA184/21	A'bad	Adv.S B Solanke (Haridas S Ingle)	Higher Appointment	For Hearing Reply Filed by R-1 to R-6	14.03.2024
33	OA196/21	P'bhani	Adv.K B Jadhav (Sandip P More)	Termination	For Hearing Reply Filed by R-2, R-3 & R-5 to R-7	28.02.2024
34	OA246/21	J'gaon	Adv.S B Solanke (Pradeep B Bramhane)	Appointment	For Hearing	14.03.2024
35	OA271/21	A'nagar	Adv.Vishwas B Wagh (Shivaji S Kawade)	Show Cause Notice/ Dismissal	For Hearing Reply Filed by R-1 & R-2	27.03.2024
36	OA334/21	P'bhani	Adv.Jagdish K Bansod (Madhuri B Panzade) <u>Adv.S B Solanke for R.No.3</u>	Selection List	For Hearing Reply Filed by R-1 to R-3	14.03.2024
37	OA390/21	Latur	Adv.S S Thombre (Govind D Mane) <u>Adv.Suhas P Urgunde for R.No.3</u>	Absorption	For Hearing	27.03.2024
38	OA562/21	P'rbn	Adv S D Joshi (Alka B Naigaonkar)	Regularisation of Service/ Pension & Pensionary Benefits	Recalled For Hearing Reply Filed by R-1 to R-3	27.02.2024
39	OA774/21	P'bhani	Adv.R L Jakhade/ Adv.S A Kulkarni (Ganesh L Chavan)	Dismissal	For Hearing Reply Filed by R-4	28.02.2024
40	OA818/21	Nanded	Adv.S D Joshi (Dr.Ashwini A Patil) <u>Ajit Kadethankar for R.No.6</u> <u>Adv.S G Kulkarni for R.No.8</u> <u>Adv.Amol T Jagtap for R.No.9</u> <u>Adv.Akshay H Joshi for R.No.7</u>	Challenging G.R./ Seniority List	For Hearing Reply Filed by R-1 to R-7	11.03.2024

41	OA16/22	Nanded O'bad	Adv.Avinash S Deshmukh (Vd. Piyush K Gandhi & Ors.) <u>Adv.M R Kulkarni for R.Nos.4 to 7</u>	Seniority	For Hearing Reply Filed by R-1 to R-7	11.03.2024
42	OA352/22	Nanded	Adv.K B Jadhav (Rajaram C Sevalikar)	Promotion	For Hearing Reply Filed by R-1 to R-4	06.03.2024
43	OA403/22	Latur	Adv.Dhananjay Mane (Pandit S Tiparse)	Major Punishment/ Reversion	For Hearing Reply Filed by R-1 to R-4	12.03.2024
44	OA665/22	J'gaon	Adv.Santosh B Bhosle (Kalpana P Jadhav)	Dismissal	For Admission Reply Filed by R-1 to R-3	04.03.2024
45	OA690/22	A'bad	Adv. P V Bodke Patil (Sachin J Gadekar)	Interview	Reply Filed by R-1 & R-2	15.03.2024
46	OA794/22	Beed	Adv.S S Thombre (Ishvar S Survase)	Termination	For Hearing Reply Filed by R-4 to R-9	29.02.20254
47	OA830/22	A'bad	Adv.Abhay R Rathod (Saheb P Kapure)	De Novo Enquiry	For Hearing Reply Filed by R-1 to R-4	04.04.2024
48	OA982/22	A'bad	Adv.A D Sugdare (Dr. Sanjitkumar M Sant)	Selection Process	Reply Filed by R-1 Ref.Order dtd. 01.02.2024	23.02.2024
49	OA48/23	Latur	Adv.Jiwan J Patil (Shankar H Jadhav) <u>Adv.Manjusha B Ambekar for R.No.4</u>	Seniority List	For Hearing Reply Filed by R-4	19.03.2024
50	OA55/23	P'bhani	Adv. J K Bansod (Madhuri B Panzade)	Appointment	For Hearing Reply Filed by R-1 to R-3	14.03.2024
51	OA98/23	Latur	Adv.J J Patil (Pandit N Jadhav)	Seniority List	For Hearing	19.03.2024

52	OA399/23	Nanded	Adv.D K Dagadkhair (Aniket B Rathod)	Selection Process	For Hearing Reply Filed by R-1 to R-3	Disposed of
53	OA400/23	A'ngar	Adv.D K Dagadkhair (Mahesh B Gavhane)	Selection Process	For Hearing Reply Filed by R-1 to R-3	
54	OA401/23	A'nagar	Adv.D K Dagadkhair (Shahadeo M Bhaware)	Selection Process	For Hearing Reply Filed by R-1 to R-3	
55	OA402/23	A'nagar	Adv.D K Dagadkhair (Sunny N Dhangar)	Selection Process	For Hearing Reply Filed by R-1 to R-3	
56	OA660/23	A'bad	Adv.Pavan P Uttarwar (Dnyaneshwar R Chowdhar)	Selection Process	For Further Consideration Reply Filed by R-1 & R-3	
57	OA689/23	Beed	Adv.A D Sugdare (Dr. Ganesh L Khandarkar)	Selection Process	For Hearing	Disposed of
58	OA854/23	A'bad	Adv.Rameez M Shaikh (Shaikh Danish Abdul Rafat)	Selection Process	For Hearing Reply Filed by R-1 & R-2	14.03.2024
59	OA1011/23	J'gaon	Adv.M V Bhamre (Kanchan M Patil) <u>Adv.A S Deshmukh For R.No.5</u>	Selection Process	For Hearing Reply Filed by R-2 to R-5	26.02.2024
Final Hearing Matters						
60	OA12/17	Nanded	Adv.Sandip G Kulkarni (Babu G Kapale) <u>Adv.G N Patil for R.No.2 & 3</u>	Higher Pay Scale as per Designation/ G.R.	Reply Filed by R-1 to R-3	06.03.2024
61	OA788/17	P'bhani	Adv.Ajay S Deshpande (Ashok T Ghobale)	Reversion	Reply Filed by R-1 & R-2	06.03.2024

62	OA06/18	Latur	Adv.Avinash S Deshmukh (Ganesh B Kundle)	Removal From Service	Reply Filed by R-1 to R-3	07.03.2024
63	OA104/18 With	Hingoli	Adv.V B Wagh (Dr.Nandkishor D Karwa)	Condonation of Technical Break/ Consequential Benefits	Reply Filed by R-2	07.03.2024
64	OA105/18	Hingoli	Adv.V B Wagh (Dr.Nitin R Agarwal)	Condonation of Technical Break/ Consequential Benefits	Reply Filed by R-2	07.03.2024
65	OA716/18 With	O'bad	Adv.Sujeet D Joshi (Atul N Shirke)	Appointment	Reply filed By R-1 to R-4	07.03.2024
66	OA634/18 With	Beed	Adv.Sujeet D Joshi (Pramod S Chormale)	Appointment	Reply filed By R-5 & R-7	
67	OA635/18 With	Beed	Adv.Sujeet D Joshi (Mahesh A Talekar)	Appointment	Reply filed By R-2 to R-4	
68	OA636/18	Beed	Adv.Sujeet D Joshi (Vinay P Sarpate)	Appointment	Reply filed By R-2 to R-4	
69	OA439/19 with	Nanded	Adv.D R Irale Patil (Prakash M Ishware) <u>Adv.S B Mene for R.No.2</u> <u>Adv.S B Mene has Filed</u> <u>Leave Note From 16.02.2024</u> <u>to 21.02.2024</u> <u>Adv.Ajay Deshpande for</u> <u>R.No.4 to 7</u>	Seniority	Reply Filed by R-3 & R-5	11.03.2024
70	MA17/20 In OA1072/19	Latur	Adv.A S Deshpande (Ajit S Solanke & Ors.) <u>Adv.D R Irale Patil in</u> <u>OA1072/19 for Original</u> <u>Applicant</u> <u>Adv.S D Dhongde for</u> <u>R.No.1 & 2 in OA1072/19</u> <u>Adv. S D Dhongde has Filed</u> <u>Leave Note From 05.02.2024</u> <u>to 15.03.2024</u>	M.A. For Intervention		11.03.2024

71	OA26/20	Dhule	Adv.Girish A Nagori/ Adv.Yogesh H Jadhav (Sanjay D Salunke) <u>Adv.D A Madake for R.No.19</u>	Seniority	Reply Filed by R-1 to R-3 & R-19	11.03.2024
72	OA799/21	O'bad	Adv.Jiwan J Patil (Shirish R Yadav)	Departmental Enquiry	Reply Filed by R-1 & R-2	01.03.2024

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -16/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP47/19 In OA364/16	Beed	Adv.R.P. Bhumkar (Rudrappa L Lungare & ors.) <u>Adv S B Mene For R- 3 & R-4</u> <u>Adv S B Mene has Filed leave note From 16.02.2024 to 21.02.2024</u>	Contempt Petition	Reply Filed By R-2 to R-5 For Filing Affidavit in Reply	20.03.2024
2	CP32/22 In OA547/20	A'bad	Adv.S.D. Joshi (Vishvajit S Kotkar)	Contempt Petition	Await Service	18.03.2024
3	CP27/23 In OA681/19	A'bad	Adv M B Bharaswadkar (Damodhar G Thengde)	Contempt Petition	As a Last Chance For Filing Affidavit in Reply	18.03.2024

4	CP72/23 In OA580/22	Latur	Adv Kiran G Salunke (Ramhari G Sontakke)	Contempt Petition	For Filing Affidavit in Reply	19.03.2024
5	CP07/24 In OA82/19	Jalna	Adv Ajay S Deshpande (Devendra R Dandgavhal & Ors.)	Contempt Petition	Await Service	14.03.2024
6	OA1086/19	A'bad	Adv Ajay S Deshpande (Chintaman H Vasave) <u>Adv K B Jadhav For R-3</u>	Seniority / Pension	One More Last Chance For Filing Affidavit in Rejoinder <u>Ref Order Dtd. 19.06.2023</u>	04.03.2024
7	OA552/21	A'nagar	Adv.C.V. Dharurkar (Jabbar Dastgit Pinjari)	Selection Process as per Advertisement	Await Service	26.03.2024
8	OA561/21	A'bad	Adv.Sujeet D. Joshi (Toliram P. Rathod)	Major Punishment	Reply Filed By R-1 & R-2	26.03.2024
9	OA509/22	A'bad	Adv.Ajay S Deshpande (Groundwater Engineers Association & Ors. Maha. State Through Its President Balasaheb D Patil)	Change In Nomenclatures	By way of Last Chance For Filing Affidavit in Reply R-1	01.03.2024
10	OA699/22	A'bad	Adv.S.S. Thombre (Maharashtra Rajya Adarsh Shikshak Samiti, A'bad through its state President, Gajanan N Walke)	Correction In Selection List (MPSC)	Service Affidavit is not Filed & For Filing Affidait in Rejoinder to the Affidavit in Reply Filed R-1 & R-3 <u>Ref Order Dtd. 16.02.2023</u>	27.03.2024
11	OA926/22 with	Latur	Adv.Muhammad Aseem/ Adv.Sayyed Tauseef Yaseen (Biradar Adil Turab)	Challenging G.R.	As a Last Chance For Filing Affidavit in Reply R-2	18.03.2024

12	OA947/22 With	Dhule	Adv. Adv.Muhammad Aseem Adv.Sayed Tauseef Yaseen (Nikita M. Rajput)	Challenging G.R	Final Chance For Filing Affidavit in Reply	18.03.2024
13	OA950/22	A'nagar	Adv.Muhammad Aseem Adv.Sayed Tauseef Yaseen (Chaitali J. Katariya & Ors.)	Challenging G.R	As a Last Chance For Filing Affidavit in Rejoinder <u>Ref Order Dtd. 19.06.2023</u>	18.03.2024
14	OA930/22	Beed	Adv.P.D. Suryawanshi (Shagir Rustum Pathan)	Termination	For Filing Affidavit in Reply R-1 to R-3, R-5 R-6	29.02.2024
15	OA931/22	Nanded	Adv.P.D. Suryawanshi (Jubirruddin Hamidoddin Shaikh)	Termination	For Filing Affidavit in Reply R-1 to R-3, R-5 R-6	29.02.2024
16	OA36/23	A'nagar Etc.	Adv Avinash S Khedkar (Vishal N Sonsale & Ors.)	Implementation of G.R/ Promotion	For Filing Affidavit in Reply R-1 R-2 & R-5	11.03.2024
17	OA42/23	Latur	Adv.S.B. Solunke (Ashwini R.Rode) <u>Adv J K Bansod For R-3</u>	Appointment	For Filing Affidavit in Reply R-1 & R-2	14.03.2024
18	OA107/23 with	Nanded	Adv J J Patil (Sanjay V Nagamwad & Ors.)	Final Seniority List	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 05.01.2024</u> Reply Filed By R-2 & R-3	03.04.2024
19	OA491/23 with	Hingoli	Adv J J Patil (Kailash V Wghmare & Ors.)	Seniority List	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd. 05.01.2024</u> Reply Filed By R-1 to R-3	

20	OA572/23 with	Jalna	Adv J J Patil (Mukund B Unhale & Ors.)	Seniority List	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>05.01.2024</u> Reply Filed By R-1 to R-3	
21	OA573/23 with	Jalna	Adv J J Patil (Prabhakar K Ghuge)	Seniority List	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>05.01.2024</u> Reply Filed By R-1 to R-3	
22	OA574/23 with	A'bad	Adv J J Patil (Prahald S Lokhande)	Seniority List	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>05.01.2024</u> Reply Filed By R-1 & R-2	
23	OA575/23 with	A'bad	Adv J J Patil (Mangala M More)	Seniority List	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>05.01.2024</u> Reply Filed By R-1 & R-2	
24	OA789/23 with	P'rbn	Adv J J Patil (Ramesh B Dhope) <u>Adv D T Devane For</u> <u>R- 3A</u>	Departmental Enquiry	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>05.01.2024</u> Reply Filed By R-3	15.03.2024
25	OA916/23 with	Nanded	Adv J J Patil (Namdev V Palekar)	Direction	As a Last Chance For Filing Affidavit in Reply	15.03.2024

26	OA493/23	P'rbn	Adv J J Patil (Dnyaneshwar D Dhongade & Ors.)	Seniority List	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>05.01.2024</u> Reply Filed By R-1 to R-3	15.03.2024
27	OA229/23	Beed	Adv O Y Kashid Adv V T Patil (Rajendra P Sanap)	Denial of Departmental Enquiry Report	For Filing Affidavit in Reply	15.03.2024
28	OA275/23	Dhule	Adv.Swaraj S Tandale (Shriram A Patil)	Promotion	As a Last Chance For Filing Affidavit in Reply	05.04.2024
29	OA357/23	Latur	Adv.Sayyed Tauseef Yaseen (Shubham H Waghmare & Ors.) <u>Adv S V Waghmare</u> <u>in intervenor</u> (Amol Z Jadhav)	Selection Process	Await Service	18.03.2024
30	OA696/23	A'nagar	Adv Avinash S Deshmukh (Yuvraj S Pawar)	Cancellation of Appointment	Way of Last Chance For Filing Affiavit in Reply	06.03.2024
31	OA697/23	A'nagar	Adv Avinash S Deshmukh (Amit R Gaikwad)	Cancellation of Appointment	Way of Last Chance For Filing Affidavit in Reply	06.03.2024
32	OA705/23	Beed	Adv Mohit R Deshmukh (Santosh Z Raut)	Departmental Enquiry	Await Service	21.03.2024
33	OA828/23	Beed	Adv Pooja S Mundhe (Dadasaheb S Aandhale)	Seniority List	For Filing Affidavit in Reply	07.03.2024

34	OA862/23	Jalgaon	Adv Sunita D Shelke (Swati R Nikarm)	Selection Process	For Filing Affidavit in Reply	24.03.2024
35	OA904/23	P'rbn	Adv M B Kolpe (Yogita G Kachawe @ Yogita M More) <u>Adv S K Mathpati</u> <u>For R-7</u>	Selection Process	Await Service R-7	04.04.2024
36	OA956/23 With	Latur	Adv J J Patil (Kishor A Patil) <u>Adv S A Dhongde</u> <u>For R-2</u> <u>Adv S A Dhongde</u> <u>has Filed Leave note</u> <u>From 13.02.2024 to</u> <u>23.02.2024</u>	Promotion	For Filing Affidavit in Reply	15.03.2024
37	OA957/23	Latur	Adv J J Patil (Rajendra S Halkude)	Promotion	Returned/ Await Service R-4	15.03.2024
38	OA988/23	P'rbn	Adv A S Shelke (Venkatesh V Mundhe)	Selection Process	For Filing Affidavit in Rejoinder	29.02.2024
39	OA1029/23	A'bad	Adv P R Wankhade (Dr. Mahesh V Naik)	Continuation of Service	For Filing Affidavit in Reply	13.03.2024
40	OA1054/23 With Caveat 38/23	Kolhapur	Adv Anand Kawre (The Association of Subordiante service of Engineers, M.S. through its president Umesh B. Mudbidrikar V.S State of Maharashtra & Ors.) <u>CPO For Caveator</u> <u>38/23</u>	Selection Process	By way of Last Chance For Filing Affidavit in Reply	06.03.2024
41	OA1094/23	Dharashiv	Adv S S Jadhavar (Pradip M Chandanshive)	Departmental Enquiry Suspension ,Posting	Await Service	15.03.2024
42	OA34/24	Jalna	Adv Syyed Yaseen (Waseem Ayaz Baig)	Selection Process/ Merit list	Await Service	18.03.2024

Order Matters						
43	MA35/18 In OASt97/18	A'nagar	Adv.S.S. Jadhavar (Nilesh R Tagad) <u>Adv.M.B. Kolpe for R.No.2</u>	M.A. For Condonation of Delay	For Compliance For Filing Application For Amendment <u>Ref Order Dtd. 27.06.2022</u>	15.03.2024
44	MA557/22 In OA244/16	N'bar	Adv.M.R. Kulkarni (Vijaykumar P Narwade)	M.A. For Amendment	For Filing Affidavit in Rejoinder <u>Ref Order Dtd. 30.11.2023 & As per office record Adv. for Applicant had filed Rejoinder on dtd. 30.11.2023</u>	04.04.2024

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN*

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 16/02/2024

Suplimentary Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA145/24 With Caveat 43 to 70/24	A'bad	Adv Neha B Kamble (Rameshwar V Hadbe & Ors.) <u>Adv. R R Avhad/Adv.K V Patil For Caveator</u>	Selection Process	Circulation	

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc.beforeHon'ble Single Bench
Before: -THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -16/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA948/22	Dhule	Adv V B Wagh (Vilas B Patil)	Benefit of G.R./ Higher Pay Scale	Await Service	20.3.2024
2	OA66/23	A'bad	Adv Avishkar S Shelke (Bhaginath C Malikar)	Regularization	As a Last Chance For Filing Affidavit in Reply	2.4.2024
3	OA327/23	Nanded	Adv P P Uttarwar (Dr. Hanmant V Bainwad)	Payment of Bills	For Filing Affidavit in Reply R-1, R-4 & R-5	28.3.2024
4	OA794/23	Nanded	Adv J J Patil (Dattatraya N Shinde)	Suspension	For Filing Affidavit in Rejoinder	11.3.2024
5	OA865/23	Jalgaon	Adv Rajesh Mewara (Dhananjay E Patil) <u>Adv Chetan B Chaudhari For R-4</u>	Police Patil	For Filing Affidavit in Reply	28.3.2024

6	OA866/23	A'bad	AdvAnand S Deshpande (Nana P Ingle)	Recovery/ Refund of Recovered Amount	Reply filed By R-3 & R-4 & For Filing Affidavit in Reply of Remaining Respondent s	27.3.2024
7	OA939/23	Dhule	Adv P R Wankhade (Dr. Yogesh M Borse)	Refixation Increment	For Filing Affidavit in Reply	28.3.2024
8	OA940/23	Dhule	Adv P R Wankhade (Dr. Bharat M Patil)	Refixation Increment	For Filing Affidavit in Reply	
9	OA941/23	Dhule	Adv P R Wankhade (Dr.Smita A Boara)	Refixation Increment	For Filing Affidavit in Reply	
10	OA942/23	Dhule	Adv P R Wankhade (Dr. Deepak K Shejwal)	Refixation Increment	For Filing Affidavit in Reply	
11	OA943/23	Dhule	Adv P R Wankhade (Dr.Amol P Khairnar)	Refixation Increment	For Filing Affidavit in Reply	
12	OA944/23	Dhule	Adv P R Wankhade (Dr.Manjusha P Tambse)	Refixation Increment	For Filing Affidavit in Reply	
13	OA990/23	N'bar	Adv A S Deshmukh (Rakesh M Shirsath)	Transfer	For Filing Affidavit in Reply	
14	OA991/23	N'bar	Adv A S Deshmukh (Atul R Chavan)	Transfer	For Filing Affidavit in Reply	

15	OA992/23	N'bar	Adv A S Deshmukh (Ashish A Gogawale)	Transfer	For Filing Affidavit in Reply	28.3.2024
16	OA993/23	N'bar	Adv A S Deshmukh (Hareshwar A Potdar)	Transfer	For Filing Affidavit in Reply	
17	OA1084/23	Jalgaon	Adv P B Patil (Borse) (Nilesh R Patil)	Police Patil	For Filing Affidavit in Reply	2.4.2024
18	OA1092/23	A'nagar	Adv H U Dhage (Mangal B Gavade&Ors.)	Appointment on Compassionate Ground (Deduct part of Salary) <u>Dispute between Legal Heirs</u>	Await Service	29.2.2024
19	OA62/24	N'bar	Adv Y H Jadhav (Baburao C Mahire)	Direction	For Filing Affidavit in Reply	28.3.2024
Order Matters						
20	MA12/21 In OAS134/21	A'bad	Adv D A Mane (GorakhDhakane)	M.A For Condonation of Delay	Reply Filed By R-1 & For Filing Affidavit in Rejoinder	1.4.2024
21	MA346/21 In OA904/21	P'rbn	Adv U P Giri / Adv S L Puri (Kantabai C Narwade&Ors.)	M.A For Condonation of Delay	Reply Filed By R-1 to R-5 & For Filing Affidavit in Rejoinder	28.3.2024
22	MA29/22 In OAS11/22 with	Beed	Adv V G Pingle <u>Adv Vivek G Pingle has Filed leave note on 16.02.2024</u> (Yashvant M Kadam) <u>Adv Ajinkya S Reddy For R-4</u>	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	26.3.2024
23	MA507/23 In OAS1937/23 with	A'bad	Adv V G Pingle (Arun A Ghate)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	26.3.2024

24	MA508/23 In OAS1938/23 with	A'bad	Adv V G Pingle (Gopal A Kulkarni)	M.A For Condonation of Delay	Reply Filed By R-4 & As a Last Chance For Filing Affidavit in Reply	26.3.2024
25	MA510/23 In OAS1953/23 with	A'bad	Adv V G Pingle (Shridhar S Sewlikar)	M.A For Condonation of Delay	Reply Filed By R-4 & As a Last Chance For Filing Affidavit in Reply	
26	MA511/23 In OAS1954/23 with	Jalna	Adv V G Pingle (Satish S Bhalerao)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	
27	MA512/23 In OAS1975/23 with	A'bad	Adv V G Pingle (Shriniwas K Deshmukh)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	
28	MA513/23 In OAS2008/23 with	Jalna	Adv V G Pingle (Shrikrishna N Kulkarni)	M.A For Condonation of Delay	Reply Filed By R-4 & As a Last Chance For Filing Affidavit in Reply	
29	MA514/23 In OAS2012/23 with	A'bad	Adv V G Pingle (Manohar D Waghchaure)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	26.3.2024
30	MA542/23 In OAS1952/23	A'bad	Adv V G Pingle (Vasant V Tandulje Deceased through L.R RajaniWd/o VasantTandulje)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	
31	MA83/22 In OAS1621/21	Nanded	Adv S G Kulkarni (Sopan P Chavan)	M.A For Condonation of Delay	Await Service	1.4.2024

32	MA409/23 In OA551/22 With	P'rbn Etc.	C P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Bapurao G Chikalkar&Ors.) <u>AdvVivek G Pingle has Filed leave note on 16.02.2024</u>	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-7 in M.A & For Filing Affidavit in Reply in O.A	26.3.2024
33	MA410/23 In OA552/23 With	P'rbn Etc.	C P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle (Kiran M Ubale&Ors.)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-7 in M.A & For Filing Affidavit in Reply in O.A	
34	MA411/23 In OA554/22 With	P'rbn Etc.	C P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Nandkishor M Hanswal&Ors.)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-8 in M.A & For Filing Affidavit in Reply in O.A	
35	MA412/23 In OA555/22 With	P'rbn Etc.	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Ismail Ahmad Nadaf&Ors.)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-9 in M.A & For Filing Affidavit in Reply in O.A	
36	MA413/23 In OA556/22 With	P'rbn Etc.	C P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Balasaheb G Agashe&Ors)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-7 in M.A & For Filing Affidavit in Reply in O.A	

37	MA414/23 In OA557/22 With	P'rbn Etc.	C P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Anil K Jondhale&Ors)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-7 in M.A & For Filing Affidavit in Reply in O.A	26.3.2024
38	MA415/23 In OA559/22 With	Hingoli	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Pramilabai B Deshmukh)	M.A For Deciding Jurisdiction	Reply Filed by Respondent in M.A & For Filing Affidavit in Reply in O.A	
39	MA416/23 In OA561/23 With	P'rbn Etc.	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Gopalrao V Tompe&Ors)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-5 in M.A & For Filing Affidavit in Reply in O.A	
40	MA417/23 In OA562/22 With	P'rbn	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Shantabai B Thombre)	M.A For Deciding Jurisdiction of O.A	Reply Filed by R-1 to R-2 in M.A & For Filing Affidavit in Reply in O.A	26.3.2024
41	MA418/23 In OA563/22 With	Hingoli	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.P.M. Shinde / Adv.P.B. Jadhav (Baban B Thoke)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-4 in M.A & For Filing Affidavit in Reply in O.A	
42	MA419/23 In OA564/22 With	Hingoli	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.P.M. Shinde/ Adv.P.B. Jadhav (Ramrao M Pole &Ors.)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-15 in M.A & For Filing Affidavit in Reply in O.A	

43	MA420/23 In OA565/22 With	Hingoli	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.P.M. Shinde/ Adv.P.B. Jadhav (Shesherao R Rathod&Ors.)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-13 in M.A & For Filing Affidavit in Reply in O.A	26.3.2024
44	MA421/23 In OA566/22 With	Hingoli	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.P.M. Shinde/ Adv.P.B. Jadhav (Shesherao L Rathod&Ors.)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-29 in M.A & For Filing Affidavit in Reply in O.A	26.3.2024
45	MA422/23 In OA1110/22 With	Hingoli	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.V.G. Pingle/ Adv.R.L. Chintalwar (Sahebrao C Shinde&Ors)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-6 in M.A & For Filing Affidavit in Reply in O.A	
46	MA446/23 In OA550/22 With	P'rbn Etc.	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle Adv.R.L. Chintalwar (Raghoji R Bele)	M.A Deciding jurisdiction	Reply Filed by Respondent in M.A & For Filing Affidavit in Reply in O.A	
47	MA447/23 In OA553/22 With	P'rbn Etc.	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle Adv.R.L. Chintalwar (Punjaji S Yelne&Ors.)	M.A For Deciding Jurisdiction	Reply filed By R-1 to R-4 in M.A & For Filing Affidavit in Reply in O.A	
48	MA448/23 In OA560/22 With	P'rbn Etc.	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Maroti R Sable &Ors.)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-5 in M.A & For Filing Affidavit in Reply in O.A	

49	MA449/23 In OA558/22 With	P'rbn Etc.	P O Mat A'bad (The State of Maharashtra &Ors.) Adv.Vivek G Pingle/ Adv.R.L. Chintalwar (Rangnath R Jadhav&Ors)	M.A For Deciding Jurisdiction	Reply Filed by R-1 to R-7 in M.A & For Filing Affidavit in Reply in O.A	26.3.2024
50	MA486/23 In OA44/21 with	Hingoli	P O Mat A'bad (The State of Maharashtra&Ors.) Adv.Vivek G Pingle Adv.R.L. Chintalwar (Sugam B Rathod&Ors.)	M.A For Deciding Jurisdiction of O.A	Reply Filed by R-1 to R-6 in M.A & For Filing Affidavit in Reply in O.A	
51	OA25/24	P'rbn	Adv V G Pingle/ Adv.R.L. Chintalwar (Nanda S Nagare&Ors.)	Benefits of G.R/ Regularization	For Filing Affidavit in Reply	
52	MA484/23 In OAS1637/23	Latur	Adv J S Deshmukh (Dr.Vaijanath K Sasatte) <u>Adv S D Kamble/</u> <u>AdvDhanshriSurvase R-4 & R-5</u>	M.A For Condonation of Delay	For Filing Affidavit in Reply	28.3.2024
53	MA523/23 In OAS135/23	Nanded	Adv S K Mathpati (Faruqui Md. Khayum Md. Siddik)	M.A For Condonation of Delay	Await Service R-7	28.3.2024

M.A.NO. 54 OF 2024 IN O.A.ST.NO. 151 OF 2024
(Sopan H. Thombre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri S.B. Sontakke, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants has pointed out that the applicants have a common cause of action and they are in service working in the same department. They are also seeking the same relief.

3. Learned P.O. has also not disputed this position.

4. In view of same and for the reasons stated in the application, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 151 OF 2024
(Sopan H. Thombre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri S.B. Sontakke, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 03.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St. 151/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 03.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A.NO. 59 OF 2024 IN O.A.ST.NO. 104 OF 2024
(Tushar S. Bhor & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that the applicants are from the same department and the main prayer in the Original Application is grant of benefit of old pension scheme. The applicants have same cause of action and they are seeking the same relief.

3. Learned P.O. has also not disputed this position.

4. In view of same and for the reasons stated in the application, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 104 OF 2024
(Tushar S. Bhor & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that in case of similarly situated person this Tribunal in the light of G.R. dated 02.02.2024 has disposed of the Original Application No. 612/2022. Learned counsel for the applicants submits that in view of the said G.R. dated 02.02.2024, this Original Application also deserves to be disposed of with the same observation and reasoning.

3. In view of same, instead of issuing notices to the respondents, learned P.O. shall waive notices for all the respondents and make the appropriate submissions as to whether the applicants in the present case are similarly situated persons in terms of order passed in O.A.No. 612/2022.

4. S.O. to 26.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 91 OF 2024
(Prashant Ram Bibrare Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri Amit T. Ghute, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 04.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2//

O.A. 91/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 04.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

ORIGINAL APPLICATION NO. 121 OF 2024
(Alka Pravin Wagh (Patil) & Anr. Vs. State of Maharashtra
& Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri B.P. Gonare, learned counsel holding for Shri V.S. Panpatte, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 04.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. 121/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 04.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

ORIGINAL APPLICATION NO. 124 OF 2024
(Mohammed Farook Shujauddin Vs. State of Maharashtra
& Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 28.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. 124/2024

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

7. The learned P.O. appears for all the respondents and seeks time for taking instructions.

8. S.O. to 28.03.2024.

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

MEMBER (J)

ORAL ORDER 16.02.2024 sas

**ORIGINAL APPLICATION NO. 129 OF 2024
(Bhimrao V. Mhaske Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri P.M. Gaikwad, learned counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 28.03.2024.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

ORIGINAL APPLICATION NO. 133 OF 2024
(Sopan Haribhau Thombre Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri Sandeep B. Sontakke, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 03.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 133/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 03.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

ORIGINAL APPLICATION NO. 134 OF 2024
(Ashok D. Bankar Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri Sandeep B. Sontakke, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Leave to add Accounts Officer, Pay Verification Unit, Aurangabad and Accountant General-II, Nagpur as party respondent Nos. 3 & 4 respectively to O.A.
3. The amendment be carried out forthwith.
4. Issue notice to respondents, returnable on 03.04.2024.
5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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O.A. 134/2024

7. 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.
8. 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.
9. The learned P.O. appears for all the respondents and seeks time for taking instructions.
10. S.O. to 03.04.2024.
11. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 135 OF 2024
(Abdul Naeem Abdul Jabbar Shaikh Vs. State of
Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri Sandeep B. Sontakke, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Leave to add Accounts Officer, Pay Verification Unit, Aurangabad and Accountant General-II, Nagpur as party respondent Nos. 3 & 4 respectively to O.A.
3. The amendment be carried out forthwith.
4. Issue notice to respondents, returnable on 03.04.2024.
5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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7. 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.
8. 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.
9. The learned P.O. appears for all the respondents and seeks time for taking instructions.
10. S.O. to 03.04.2024.
11. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 158 OF 2024
(Sandip K. Kiratwad Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri S.S. Tandale, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 04.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 04.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

**ORIGINAL APPLICATION NO. 163 OF 2024
(Mohd. Akbar Abdul Razzak Faruqi Vs. State of
Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri J.M. Murkute, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 29.02.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. 163/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. **In the meanwhile the respondent authorities may consider the representation filed by the applicant dated 11.01.2024 (Annexure 'A-11').**
9. S.O. to 29.02.2024.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 171 OF 2024
(Dinesh Suresh Bedse Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel holding for Shri Ashutosh C. Sisodiya, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 01.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. 171/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. **Needless to say that in the meanwhile if any appointment to the post of Police Patil of village Rahimpure, Tal. Shindkheda, Dist. Dhule is made, the same will be subject to decision of this Original Application.**
9. S.O. to 01.03.2024.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 173 OF 2024
(Ravindranath S. Deepak Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Mohit R. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.02.2024.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

ORIGINAL APPLICATION NO. 174 OF 2024
(Maksud Ahmed Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Mohit R. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.02.2024.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

**ORIGINAL APPLICATION ST.NO. 171 OF 2024
(Amolsinh P. Gour Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri S.B. Sontakke, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. In terms of the office objection, learned counsel for the applicant seeks time to file application seeking condonation of delay. Time granted.

3. S.O. to 26.02.2024.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

ORIGINAL APPLICATION ST.NO. 283 OF 2024
(Navnath S. Badage Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant has preferred the appeal against the order of suspension dated 16.06.2023 before the Collector, Latur. The applicant has preferred the said appeal on 01.12.2023 which is yet not decided.

3. Learned counsel for the applicant submits that it is mentioned in the impugned order of suspension (Annexure 'A-2') itself that the said order of suspension would remain in force for the period of 6 months from 07.08.2023 and even though the said period was over on 07.02.2024, the suspension has not been revoked.

4. Learned counsel for the applicant submits that furthermore no charge sheet has been served on the applicant. Learned counsel for the applicant submits that in terms of settled view the continuation of the suspension beyond the period of

90 days in case of charge sheet is not filed, is impermissible.

5. In view of above submissions and considering the peculiar facts of the present case, the office objection about pendency of the appeal preferred by the applicant against the order of suspension stands overruled.

6. Issue notice to respondents, returnable on 08.04.2024.

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

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

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

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

11. The learned P.O. appears for all the respondents and seeks time for taking instructions.

12. In the meanwhile the respondent No.2 i.e. the Collector, Latur may consider the said appeal in terms of G.R. dated 09.07.2019. The appellate authority is required to decide the appeal within 90 days.

13. S.O. to 08.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 76 OF 2020
(Shantabai G. Kulkarni Died through Her L.Rs. Satish G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri R.R. Deshmukh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

Shri U.B. Bondar, learned counsel for respondent Nos. 2 & 4, is **absent**.

2. By consent of both the sides, S.O. to 11.03.2024.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

**M.A.NO. 529 OF 2023 IN O.A.NO. 1112 OF 2022
(Mohammad Raza Khan Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.B. Bharaswadkar, learned counsel for respondent No.3 in O.A.No. 1112/2022, are present.

2. By consent of parties, S.O. to 05.03.2024 for hearing in **urgent admission category**.

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

MEMBER (J)

ORAL ORDER 16.02.2024 sas

ORIGINAL APPLICATION NO. 929 OF 2019
(Shaikh MOhd Rafi Shaikh Mohammad Shafi Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities at length.

2. Learned counsel for the applicant has vehemently submitted that though the departmental enquiry was initiated against the applicant and two others similarly situated employees, the said enquiry which was meant for imposing the minor punishment was not conducted and thus it is the specific reply of respondent Nos. 3 & 4 in paragraph No. 7 that the office of respondents has not conducted the enquiry due to heavy work load and the amount of financial loss is very less.

3. It appears that on behalf of respondent Nos. 3 & 4 one order dated 15.01.2021 (page No. 46 of the O.A.) has been placed on record. The learned P.O. is directed to take specific instructions in this regard as to whether the said order has been passed in view of conclusion of the said enquiry or it is merely a communication.

4. S.O. to 21.02.2024 for final hearing in urgent category.

MEMBER (J)

**O.A.NO. 1119 OF 2023 WITH Caveat No. 40 OF 2023
(Dr. Milind V. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri Rahul S. Pawar, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Prafulla Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for respondent No.5, are present.

2. At the request of learned counsel for respondent No.5, S.O. to 07.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

**ORIGINAL APPLICATION NO. 87 OF 2020
(Rajendra B. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. The present Original Application is allowed in terms of prayer clauses.

3. No order as to costs.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

**ORIGINAL APPLICATION NO. 464 OF 2021
(Vilas K. Hiwale Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Leave to add prayer as A-1 as against the order passed by the Hon'ble Minister for State, Home (Rural) to the extent of paragraph No. 3 of the operative part of the order dated 11.12.2018 (Annexure 'A-6').

3. The amendment be carried out forthwith.

4. The present Original Application is allowed in terms of prayer clauses.

5. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 66 OF 2023
(Bhaginath C. Malikar Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. List the matter for admission hearing on 02.04.2024 with liberty to the respondents to file reply, if any, till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 866 OF 2023
(Nana P. Ingle Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri Anand S. Deshpande, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent Nos. 1,2, 5 & 6. Time granted.

3. S.O. to 27.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 794 OF 2023
(Dattatraya N. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Onkar Joshi, learned counsel holding for Shri J.J. Patil, 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 submits that the copy of reply is not received and therefore, rejoinder could not be filed.

3. Learned P.O. to supply the copy of reply today itself to learned counsel for the applicant.

4 S.O. to 11.03.2024 for filing affidavit in rejoinder, if any.

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

MEMBER (J)

**M.A.NO. 12 OF 2021 IN O.A.ST.NO. 34 OF 2021
(Gorakh Dhakane Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri D.A. Mane, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.
3. List the matter for hearing on 01.04.2024.

MEMBER (J)

ORAL ORDER 16.02.2024 sas

**ORIGINAL APPLICATION NO. 1084 OF 2023
(Nilesh R. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri P.B. Patil (Borse), learned counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits that the affidavit in reply on behalf of respondent Nos. 2 & 3 will be filed during course of the day along with spare copy for the other side and the respondent No.1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3.

3. List the matter for filing affidavit in rejoinder, if any/for admission hearing on 02.04.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 939 OF 2023
(Dr. Yogesh M. Borse Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 940 OF 2023
(Dr. Bharat M. Patil Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 941 OF 2023
(Dr. Smita A. Boara Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 942 OF 2023
(Dr. Deepak K. Shejwal Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 943 OF 2023
(Dr. Amol P. Khairnar Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 944 OF 2023
(Dr. Manjusha P. Tambse Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants in all these O.As. and S/Shri I.S. Thorat, B.S. Deokar, N.U. Yadav & Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondent authorities in respective matters, are present.

2. Learned P.Os. submit affidavit in replies on behalf of respondent Nos. 1 to 3 in O.A.Nos. 940, 941, 942, & 944 All of 2023. The same are taken on record and copies are given to other side.

3. Learned P.Os. seek time to file affidavit in reply on behalf of respondents in O.A.No. 939 & 943 both of 2023. Time granted.

4. S.O. to 28.03.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 990 OF 2023
(Rakesh M. Shirsath Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 991 OF 2023
(Atul R. Chavan Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 992 OF 2023
(Ashish A. Gogawale Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 993 OF 2023
(Hareshwar A. Potdar Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicants in all these O.As. and S/Shri I.S. Thorat, N.U. Yadav, B.S. Deokar & Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondent authorities in respective O.As., are present.

2. Learned P.Os. submit affidavit in replies on behalf of respondent Nos. 1 to 3 in all the matters. The same are taken on record and copies thereof are given to other side.

3. S.O. to 28.03.2023 for filing affidavit in rejoinder, if any.

4. The interim relief granted earlier in all the matters to continue till then.

MEMBER (J)

M.A.NO. 29 OF 2022 IN O.A.ST.NO. 11 OF 2022
(Yashwant M. Kadam Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 507 OF 2023 IN O.A.ST.NO. 1937 OF 2023
(Arun A. Ghate Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 508 OF 2023 IN O.A.ST.NO. 1938 OF 2023
(Gopal A. Kulkarni Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 510 OF 2023 IN O.A.ST.NO. 1953 OF 2023
(Shridhar S. Sewlikar Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 511 OF 2023 IN O.A.ST.NO. 1954 OF 2023
(Satish S. Bhalerao Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 512 OF 2023 IN O.A.ST.NO. 1975 OF 2023
(Shrinivas K. Deshmukh Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 513 OF 2023 IN O.A.ST.NO. 2008 OF 2023
(Shrikrishna N. Kulkarni Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 514 OF 2023 IN O.A.ST.NO. 2012 OF 2023
(Manohar D. Waghchaure Vs. State of Maharashtra & Ors.)
WITH
M.A.NO. 542 OF 2023 IN O.A.ST.NO. 1952 OF 2023
(Vasant V. Tandulje Deceased through L.Rs. Rajani Wd/o.
Vasant Tandulje Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants in all the matters has filed a **leave note**. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all the matters and Shri Ajinkya S. Reddy, learned counsel for respondent No.4 in M.A.No. 29/2022, are present.

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3. Even though the last chance is granted, no affidavit in reply has been filed on behalf of respondent authorities.

4. Shri Ajinkay Reddy, learned counsel appears on behalf of respondent No.4 in M.A.No. 507/2023 and also submits affidavit in reply on behalf of said respondent. The same is taken on record.

5. Shri Sachin R. Erande, learned counsel appears on behalf of respondent No.4 in M.A.No. 511/2023 and also submits affidavit in reply on behalf of said respondent. The same is taken on record.

6. List the matters for hearing on 26.03.2024 with liberty to other side to file reply, if any, till then.

MEMBER (J)

**M.A. No. 318/2023 in O.A. St. No. 243/2023
(Annasaheb D. Pagare Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

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

2. There is a delay of 06 years and 03 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that in fact there is a delay of 01 years and 10 months caused in the filing the accompanying Original Application, however the office has counted the said delay from the date of acquittal and therefore, condonation of delay of 06 years and 03 days is sought.

4. Learned counsel for the applicant submits that the applicant was appointed as Police Constable in Aurangabad city after following due selection process on 25.12.1991. In the year 2007, the applicant was posted at Jawahar Nagar Police Station,

//2// MA 318/2023 in
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Aurangabad. Further on the basis of complaint filed against him, Crime No. 3049/2007 for the offences punishable under sections 7, 12, 13(1)(d) with 13(2) of the Prevention of Corruption Act came to be registered against the applicant with City Chowk Police Station, Aurangabad. Consequently, the applicant was suspended by respondent No. 3 i.e. the Deputy Commissioner of Police, (Headquarter), Aurangabad with effect from the arrest i.e. on 28.09.2007. On 13.08.2009, the respondent No. 1 had issued an order to respondent No. 2 with a direction to reinstate the applicant and by order dated 02.09.2009; the respondent No. 3 has reinstated the applicant in service. By judgment and order dated 30.01.2016, the Additional Sessions Judge, Aurangabad has acquitted the accused in Special Case No. 12/2008 arises out of the said crime. Being aggrieved by the same, the respondent No. 2 has filed appeal before Hon'ble High Court of Bombay, Bench at Aurangabad bearing No. 11/2018, which is still pending for admission. On 31.10.2019, the applicant got retired.

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5. Learned counsel for the applicant submits that on 18.12.2019 the applicant applied before the respondent authorities and prayed to treat the suspension period of 28.09.2007 to 02.02.2009 as regular duty period by filing representation to that effect. On 05.10.2020, the respondent authorities have not decided the said representation, but only informed to the applicant that final decision about the same would be taken only after the appeal against the acquittal preferred by the respondents is decided by the Hon'ble High Court of Bombay, Bench at Aurangabad. Learned counsel submits that there is recurring cause of action as long the said issue finally not decided by the department and there is no delay as such. Even if the delay to that extent is considered from the date of said order dated 05.10.2020 (Annexure A-8 of the O.A.), there is no inaction on part of the applicant nor there is an intentional or deliberate delay as such. Learned counsel submits that the application seeking condonation of delay deserves to be allowed.

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6. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay caused in filing the accompanying Original Application. Learned P.O. fairly accepted that the delay is required to be counted from the date of communication i.e. on 05.10.2020, on which the department has informed to the applicant that the decision about the period of suspension would be taken only after pending appeal against the acquittal is decided by the Hon'ble High Court of Bombay, Bench at Aurangabad. Learned counsel submits that the applicant has not satisfactorily explained even the said delay and as such, this application is having no substance is liable to be dismissed.

7. Even though the applicant is retired, the department has not decided the period of suspension as to whether the said period is to be treated as duty period or not under the pretext that the appeal against the acquittal is pending before the Hon'ble High Court of Bombay, Bench at Aurangabad. Admittedly, no departmental enquiry

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has been initiated against the applicant. In view of the same, there is recurring cause of action and the delay is on the part of department to keep the representation of the applicant pending. There is no inaction on part of the applicant nor there is intentional or deliberate delay in any form. Thus, considering the entire aspect of the case, I am inclined to condone the delay, if any caused in filing the accompanying Original Application. Hence, the following order :-

ORDER

- (i) The M.A. No. 318/2023 is hereby allowed.
- (ii) The delay of 06 years and 03 days, if any caused in filing the accompanying O.A. is hereby condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 243/2023

(Annasaheb D. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. After registration, issue notices to the respondents, returnable on 08.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 08.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 1012 OF 2023
(Mahendra S. Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri R.A. Shinde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has placed on record a copy of advertisement dated 31.10.2023 issued for the post of Police Patil in Sub-Division, Kankawali, Tq. Kankawali, Dist. Sindhudurga, wherein clause (3) under the title of Social Reservation is very clear. It is stated that VJ-A, NT-B, NT-C and NT-D are interchangeable inter se, if no candidate of that particular category is available. However, in the instant matter, the said clause is not mentioned in the advertisement. Learned counsel submits that the advertisement of Kankawali, Tq. Kankawali, Dist. Sindhudurga has been inserted in terms of the policy of State Government.

3. Learned Presenting Officer is hereby directed to bring this clause No. 3 of the Social Reservation to

//2//

O.A. No. 1012/2023

the concerned respondent authorities and to take the specific instructions in this regard.

4. Part heard.
5. S.O. to 23.02.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

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

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

DATE : 16.02.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. In compliance with the order dated 17.01.2024, learned Presenting Officer submits short affidavit on behalf of respondent No. 5 along with Annexures RR-1 to RR-3. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned counsel for the applicant seeks time take specific instructions from the applicant and file affidavit in reply of the applicant, if it is necessary. Time granted.

4. It is a part heard matter. S.O. to 01.03.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 717 OF 2023
(Rajendra D. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

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

2. It is a part heard. S.O. to 26.02.2024 for citations.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**M.A. No. 167/2022 in O.A. St. No. 553/2022
(Agatrao N. Kolekar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file synopsis of events in the application seeking condonation of delay. Time granted.

3. S.O. to 15.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**MA 245/2023 in MA 138/2023 in OA 1157/2022
(Smita M. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that though the affidavit in reply on behalf of respondents is filed however in the light of the amendment carried out under the orders of this Tribunal, it is necessary to take further instructions from the respondent authorities and to file additional affidavit in reply, if any.

3. S.O. to 15.03.2024 for hearing. Interim relief granted earlier in O.A., if any to continue till then.

MEMBER (J)

**MA 305/2023 in MA 15/2021 in OA St. 1139/2020
(Chunilal R. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Smt. Sanyukta Suryawanshi, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri S.P. Pandit, learned counsel for respondent Nos. 1 to 4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 21.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO. 1061 OF 2019
(Kerba N. Jetewad Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri Shamsunder B. Patil, 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 02.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

ORIGINAL APPLICATION NO. 352 OF 2023
(Vasundhara D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day short affidavit as directed by this Tribunal would be filed.

3. S.O. to 28.02.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 398 OF 2023
(Sanjay R. Betiwar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.03.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO. 593 OF 2023
(Chetan S. Malunde Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri M.R. Kulkarni, 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 02.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

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. Shri S.B. Mene, learned counsel for respondent Nos. 2 and 3 (**Leave Note**).

2. In view of leave note filed by learned counsel for respondent Nos. 2 & 3, S.O. to 27.03.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1011 OF 2019
(Vitthal S. Lokhande Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO. 83 OF 2020
(Devendra I. Sonar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present. Shri Y.M. Patil, learned counsel for respondent No. 3, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 26.03.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO. 333 OF 2020
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent No. 2, are absent.

2. Learned counsel for respondent No. 2 submits sur-rejoinder affidavit in reply. Same is taken on record and copy thereof is given to other side.

3. S.O. to 26.03.2024 for final hearing.

MEMBER (J)

**M.A. No. 94/2021 in O.A. No. 1060/2019
(Devidas D. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri S.V. Suryawanshi, learned counsel for the applicant in the present M.A. / respondent No. 8 in M.A. (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri R.A. Shinde, learned counsel for Shri D.B. Thoke, learned counsel for the respondent No. 1 in M.A./ applicant in O.A.

2. As none present none present for the applicant in M.A. / respondent No. 8 in O.A., S.O. to 27.03.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO. 186 OF 2021
(Namdeo A. Fad Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions submits that by order dated 18/19.07.2022, the respondent authorities have cancelled the proposed recovery, which is subject matter of the present Original Application and as such, nothing survives for further consideration in this Original Application. Learned counsel has placed on record the said communication dated 18/19.07.2022. Same is taken on record and marked as document 'X' for identification.

3. In light of the above said communication, the Original Application stands disposed of as infructuous. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 388 OF 2021
(Navnath L. Dhande Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions submits that by order dated 16.12.2022, the department has revised the pay of the applicant and he has instructed that the proposed recovery has been cancelled. Learned counsel has placed on record a copy of order dated 16.12.2022. Same is taken on record and marked as document 'X' for identification. Learned counsel submits that nothing survives for further considering in the present Original Application.

3. In view of above submissions and in light of the above said order dated 16.12.2022, the Original Application stands disposed of as infructuous. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 411 OF 2022
(Bharat L. Bhillare Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions submits that by order dated 05/08.08.2022, the respondent authorities have cancelled the proposed recovery, which is subject matter of the present Original Application and as such, nothing survives for further consideration in this Original Application. Learned counsel has placed on record the said communication dated 08/08.08.2022. Same is taken on record and marked as document 'X' for identification.

3. In light of the above said communication, the Original Application stands disposed of as infructuous. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 469 OF 2021
(Dhondiba M. Zade Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions submits that during pendency of the present Original Application and interim stay granted by this Tribunal was operating, the department has cancelled the recovery and also granted one increment to the applicant. Learned counsel has placed on record a copy of directives issued by the concerned Superintendent of Police stating therein that in such types of cases, recovery is impermissible. The said directives dated 08.04.2022 issued by the Dy. Superintendent of Police, Beed is taken on record and marked as document 'X' for identification. Learned counsel submits that in view of above, nothing survives for further considerations in the present Original Application.

3. In view of above submissions, the Original Application stands disposed of as infructuous. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 865 OF 2023
(Dhananjay E. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Rajesh Meware, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present. Shri Chetan Choudhari, learned counsel for respondent No. 4, is **absent**.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in reply on behalf of respondent Nos. 4 & 5, so also, rejoinder affidavit, if any and admission hearing on 28.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO.854/2023
(Shaikh Danish Abdul Rafat Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri Rameez M. Shaikh, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant placed on record amended copy of O.A. Same is taken on record. Copy thereof be provided to the learned P.O.
3. Learned P.O. seeks some time for submitting affidavit in reply to the amended portion, if so required.
4. S.O. to 14-03-2024.

MEMBER (A)

VICE CHAIRMAN

**O.A.ST.NO.246/24 with CAVEAT NO.43/24 TO 70/24
(Rameshwar Hadbe & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Smt. Neha B. Kamble, learned Counsel for the applicants, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri R.R.Awhad, learned Counsel for the Caveaters, are present.

2. Not on board. Taken on board. Learned Counsel for the applicants submits that despite making efforts to know addresses of respondent nos.3 to 6, it could not become possible for the applicants. Learned Counsel in the circumstances requested for service of notice on said respondents through respondent no.2. Such request cannot be accepted. Applicants, however, can request the respondent no.2 to provide the addresses of respondent no.3 to 6 and if such request is made, respondent no.2 shall provide the addresses of the said respondents to the applicants.

3. Notice has been already issued returnable on 22-02-2024. Interim relief to continue till then.

MEMBER (A)
YUK ORAL ORDER 16.02.2024

VICE CHAIRMAN

M.A.NO.138/2019 IN O.A.NO.805/2017
(Dr. Vanita N. Puri Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri Vishnu Dhoble, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.S.Deshmukh, learned Counsel for respondent no.4 in O.A.No.805/2017, are present.

2. Learned Counsel Shri Dhoble on instructions received from the applicant seeks leave to withdraw the M.A. as well as O.A. Hence, the following order:

ORDER

Leave as prayed for is granted. M.A. as well as O.A. both are disposed of since withdrawn without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.557/2022 IN O.A.NO.244/2016
(Vijaykumar P. Narwade Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri M.R.Kulkarni, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 04-04-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO.1054/2023 WITH
CAVEAT NO.38/2023**

**(The Association of Subordinate Service of Engineers, Through
its President Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

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

2. Learned P.O. submits that during the course of the day affidavit in reply on behalf of respondents will be filed. If the reply is filed by the learned P.O., it be taken on record. In the meanwhile, applicant is permitted to file rejoinder, if any.

3. S.O. to 06-03-2024.

MEMBER (A)

VICE CHAIRMAN

**O.A.NO.107/2023, 491/2023, 493/2023 572/2023,
573/2023, 574/2023, 575/2023,
(Sanjay Nagamwad & Ors. Vs. State of Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned Counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. In these matters learned CPO submits that in 3 matters affidavits in reply are ready and those will be filed during the course of the day. Learned CPO further submits that in the remaining matters respondents may prefer to adopt the reply submitted because identical issues are involved in the matters.

3. In the circumstances, list the present group of matters for hearing on 03-04-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

ORIGINAL APPLICATION NO.275/2023
(Shriram Patil Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

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

2. In the present matter, learned P.O. has again sought time to file affidavit in reply. Due opportunities are already granted.

3. Hence, list the matter for hearing on 04-04-2024.

MEMBER (A)

VICE CHAIRMAN

O.A.NO.926/2022, 947/2022 & 950/2022
(Biradar Ali Turab & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri Sayyed Tauseef Yaseen, learned Counsel for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicants seeks time in the present matters and requests for some longer date stating that issue involved in the present matter is pending before the Hon'ble Apex Court.

3. In view of request so made by the learned Counsel for the applicant, S.O. to 18-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

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

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

DATE : 16.02.2024
ORAL ORDER :

Shri G.R.Jadhav, learned Counsel holding for Shri A.S.Shelke, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof is supplied to the other side.

3. Hence, list the matter for hearing on 29-02-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.904/2023
(Yogita Kachawe Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri G.R.Jadhav, learned Counsel holding for Shri M.B.Kolpe, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities, Smt. Megha Mali, learned Counsel holding for Shri S.K.Mathpati, learned Counsel for respondent no.7, are present.

2. Learned P.O. submits that during the course of the day affidavit in reply on behalf of respondents will be filed. If the reply is filed by the learned P.O., it be taken on record. In the meanwhile, applicant is permitted to file rejoinder, if any.

3. S.O. to 04-04-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.42/2023
(Ashwini R. Rode Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri S.B.Solunke, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri J.K.Bansod, learned Counsel for respondent no.3, are present.

2. Learned P.O. sought time to file affidavit in reply. Time is granted.

3. Learned Counsel states that identical matters are on today's regular board at Sr.No.36 & 50. He prays for clubbing the said matters with the present matter. Hence, O.A.No.334/2021 & 55/2023 be clubbed together with the present O.A.

4. S.O. to 14-03-2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO.27/2023 IN O.A.NO.681/2019
(Damodhar G. Thengde Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. Learned P.O. submits that during the course of the day affidavit in reply on behalf of respondent no.4 will be filed. If the reply is filed by the learned P.O., it be taken on record. In the meanwhile, applicant is permitted to file rejoinder, if any.

3. List the matter for further consideration on 18-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

ORIGINAL APPLICATION NO.562/2021
(Alka B. Naigaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. Learned Counsel seeks time to place on record copy of advertisement. Time is granted.
3. S.O. to 27-02-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

**O.A.NO.716/2018, 634/2018, 635/2018 & 636/2018
(Atul Shirke & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

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

2. At the request of learned Counsel for the applicant as well as the learned Chief Presenting Officer, S.O. to 07-03-2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

ORIGINAL APPLICATION NO.818/2021
(Dr. Ashwini A. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri S.D.Joshi, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri S.G.Kulkarni, learned Counsel for respondent no.8, Shri M.R.Kulkarni, learned Counsel holding for Shri Ajit Kadethankar, learned Counsel for the respondent no.6, are present.

Shri Amol T. Jagtap, learned Counsel for respondent no.9 & Shri Akshay H. Joshi, learned Counsel for respondent no.7, are absent.

2. S.O. to 11-03-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.16/2022
(Vd. Piyush Gandhi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.S.Mahajan, learned Presenting Officer for the respondent authorities and Shri M.R.Kulkarni, learned Counsel for respondent nos.4 to 7, are present.

2. S.O. to 11-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

**ORIGINAL APPLICATION NO.696/2023 & 697/2023
(Yuvraj Pawar & Amit Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicants and Smt. M.S.Patni, Shri V.R.Bhumkar, learned Presenting Officers for the respondent authorities, are present.

2. Learned P.O. has tendered communication dated 16-02-2023 received to the office of CPO. In the said communication, the request is made for seeking time since parawise reply is forwarded for approval. Ample opportunities are already granted, therefore, request for grant of time for filing reply is rejected.

3. List the matter for hearing on 06-03-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.690/2022
(Sachin J. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri P.V.Bodke Patil, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned P.O., S.O. to 15-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

ORIGINAL APPLICATION NO.229/2023
(Rajendra Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri V.T.Patil, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been supplied to other side.
3. Learned Counsel for the applicant submits that applicant does not wish to file rejoinder. Hence, S.O. to 15-03-2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.584/2023 IN O.A.NO.1042/2023
(Yogesh Dawle Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

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

2. Learned CPO has tendered sur-rejoinder (short reply to rejoinder) of MPSC. It is taken on record. Copy thereof is given to the other side.

3. Learned CPO on instructions received from Shri Bajaj, Deputy Secretary (Revenue) submits that no appointments are likely to be made till 04-03-2024.

4. Hence, S.O. to 04-03-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1086/2019
(Chintaman H. Vasave Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Kakasaheb B. Jadhav, learned Counsel for respondent no.3, are present.

2. Learned Counsel for the applicant submits that rejoinder is not to be filed. Hence, list the matter for hearing on 04-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

C.P.NO.07/2024 IN O.A.NO.82/2019
(Devendra Dandgavhal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
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. S.O. to 14-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

C.P.NO.47/2019 IN O.A.NO.364/2016
(Rudrappa Lingare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024
ORAL ORDER :

Shri Rahul Shimbre, learned Counsel holding for Shri R.P.Bhumkar, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

Shri S.B.Mene, learned Counsel for respondent nos.3 & 4 has filed **leave note** on record.

2. Learned CPO seeks time to file affidavit in reply. Time is granted as a last chance.
3. S.O. to 20-03-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

C.P.No.13/2024 IN O.A.NO.739/2021
(Vilas M. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 04-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

C.P.No.14/2024 IN O.A.NO.740/2021
(Indrakumar Auti & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 04-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

C.P.No.15/2024 IN O.A.NO.741/2021
(Rahul Manjare & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 04-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

C.P.No.19/2024 IN O.A.NO.532/2023
(Prakash H. Khaparde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

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. Issue notices to the respondents, returnable on 04-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

M.A.NO.42/2024 IN O.A.ST.NO.1874/2023
(Dr. Pratap D. Chavan Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 04-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

ORIGINAL APPLICATION ST. NO.258/2024
(Krushna V. Tayade Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

Shri Deepak D. Choudhari, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel undertakes to place on record the relevant documents i.e. application submitted by the applicant and marksheet showing marks obtained by the applicant.
3. Issue notices to the respondents, returnable on 22-03-2024.
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 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 22-03-2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION ST. NO.231/2024
(Yahiya M. Shaikh Vs. State of Maharashtra & Ors.)**

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

DATE : 16.02.2024

ORAL ORDER :

Shri Sayyed Tauseef Yaseen, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel submits that he will file proper application seeking condonation of delay caused in filing the O.A.
3. Hence, remove from board.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 16.02.2024

ORIGINAL APPLICATION NO. 508 OF 2020
(Bhojane Sangita Prabhakar Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Smt. Vinaya Mule, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar short affidavit in compliance of the order passed by this Tribunal on 31.01.2024 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 23.02.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 61/2024 IN O.A.ST.NO. 306/2024
(Shobha M. Munde & 2 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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

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

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

MEMBER (A)
ORAL ORDER 16.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 306 OF 2024
(Shobha M. Munde & 2 Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 165 OF 2024
(Sushant Sanjay Dhanavade Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 166 OF 2024
(Pranita Shrikant Kamble Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 167 OF 2024
(Amarsingh Rajabalisingh Hajari Vs. State of Mah. & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard S/Shri J.S. Deshmukh & A.D. Sugdare, learned counsel for the respective applicants in respective matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 in all these matters.

2. We heard common arguments in these matters for the reason that the grievance raised and the prayers made in all these applications are identical.

3. All these applicants are holding qualification as M.Sc. (Medical Bio-chemistry). It is the contention of all these applicants that they are holding the requisite qualification as prescribed in the corrigendum dated 11.12.2023 issued to the

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O.A. ST. NO. 306/2024 & Ors.

advertisement Nos. 135/2023 to 262/2023 issued on 05.12.2023. Our attention was invited to the qualifications as are prescribed in the corrigendum for the post of Assistant Professor in Bio-chemistry. It has been argued that M.Sc. (Medical Biochemistry) is held the requisite qualification to apply for the post of Assistant Professor in Bio-chemistry. In view of the corrigendum issued on 11.12.2023, according to the learned counsel appearing for the applicants, MPSC, should not have held the applicants ineligible, insofar as educational qualification is concerned. In the circumstances, the prayer has been made seeking directions against the MPSC to call all these applicants for interview subject to outcome of the present O.A. It is pointed out that the interviews are scheduled on 20.02.2024.

4. Learned Presenting Officer has tendered across the bar communication dated 16.02.2024 received to the office of C.P.O. As mentioned in the said communication the candidates holding the qualification of M.Sc. in the relevant subject are mandatorily required to have Ph.D. in that subject

and only such candidates are to be held eligible for the post of Assistant Professor in Bio-chemistry. Learned P.O. in the circumstances has prayed for rejecting the prayer for interim relief.

5. Learned counsel appearing for the applicants submitted that in the communication, which is tendered across the bar today, the M.P.S.C. has not clarified whether in the corrigendum issued on 11.12.2023 the qualification mentioned as M.Sc. (Medical Bio-chemistry) has been wrongly included or otherwise.

6. The present matters were heard for some times yesterday and were adjourned till today only for the purpose of explanation from the MPSC as about the qualification of M.Sc. (Medical Biochemistry) mentioned in the corrigendum dated 11.12.2023 as required educational qualification for the post of Assistant Professor in Biochemistry. The MPSC however has not given any such explanation. In the communication received from the MPSC, however, it is emphasized that the candidates holding

qualification of M.Sc. in the relevant subject should mandatorily require to hold the degree of Ph.D. also.

7. We have carefully perused the corrigendum dated 11.12.2023 issued by the MPSC to the advertisements no. 135/2023 to 262/2023 issued on 5.12.2023. It is noticed that for none of the subjects i.e. Anatomy, Physiology, Pharmacology and Microbiology the bare degree of M.Sc. in that particular subject is provided as the required educational qualification for the post of Assistant Professor in the said subject. Along with degree of M.Sc., the candidate is supposed to hold either the degree of M.B.B.S. or DSC or Ph.D. etc. Sole degree of M.Sc. (Medical Biochemistry) is provided only for the subject of Biochemistry. In the circumstances, only on the basis of Corrigendum dated 11.12.2023, it is difficult to agree with the submissions made on behalf of the applicants that sole degree of M.Sc. (Medical Biochemistry) is the requisite qualification prescribed for the post of Assistant Professor in Biochemistry. As such, it does not appear to us that any case is made out even prima-facie to accept the request of the applicants for grant of interim relief as

prayed by them. The issue raised by the applicants however deserves consideration. In the circumstances, we deem it appropriate to clarify that if the appointments are made during the pendency of the present O.As., all such appointments shall be subject to outcome of the O.As.

8. Issue notice to respondents, returnable on 13.3.2024.

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

10. 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.

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

12. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date.

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O.A. ST. NO. 306/2024 & Ors.

Applicants are directed to file affidavit of compliance and notice.

13. S.O. to 13.3.2024.

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

MEMBER (A)

ORAL ORDER 16.02.2024-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 830 OF 2022
(Saheb Pemaji Kapure Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Abhay Rathod, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks leave to place on record additional affidavit clarifying the certain circumstances. Leave granted as prayed for. Additional affidavit is taken on record and copy of the same is given to the other side.

3. List the matter for further consideration on 04.04.2024.

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 956 & 957 BOTH OF 2023
(Kishor Apparao Patil & Anr. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in both these matters.

Smt. S.A. Dhongde, learned counsel for respondent No. 2 in O.A. No. 956/2023 has filed leave note.

2. Learned Presenting Officer has tendered across the bar affidavits in reply on behalf of respondent Nos. 1 to 3 in O.A. No. 956/2023 and on behalf of respondent Nos. 1 & 3 in O.A. No. 957/2023. Both are taken on record and copies thereof have been served on the learned counsel for the applicants.

3. Learned counsel for the applicants submits that the applicants are not intending to file any rejoinder affidavit. In view of the same, list the matter for hearing on 15.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1011 OF 2023
(Kanchan Mukesh Patil Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri M.V. Bhamre, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent No. 5.

2. S.O. to 26.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 685 OF 2019
(Shivaji Rajaram Thakare Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. S.O. to 01.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

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

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

DATE : 16.02.2024

ORAL ORDER :

Shri A.R. Tapse, learned counsel holding for Shri P.D. Suryawanshi, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 29.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

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

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

DATE : 16.02.2024

ORAL ORDER :

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

2. S.O. to 29.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 799 OF 2021
(Shirish Ramchandra Yadav Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

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

2. S.O. to 01.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

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

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

DATE : 16.02.2024

ORAL ORDER :

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

2. S.O. to 01.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 196 OF 2021
(Sandip Pandurang More Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 445 OF 2019
(Mangal Pandurang Musande Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 446 OF 2019
(Shridevi Ganpatappa Dama & Ors. Vs. State of Mah. & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri Vishnu Dhoble, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the matters and Shri M.S. Shaikh, learned counsel holding for Shri Sachin Deshmukh, learned counsel for respondent Nos. 3 & 4 in O.A. No. 445/2019 & for respondent Nos. 4 & 5 in O.A. No. 446/2019.

2. In both the OAs since the grievance raised and the prayers made are identical, we have heard common arguments in both these OAs and deem it appropriate to decide the same by common reasoning.

3. Learned counsel for the applicants submitted that some similarly situated other employees having

identical grievance had filed the WPs before the Aurangabad Bench of the Hon'ble Bombay High Court and in the said WPs the Hon'ble High Court has passed a common order on 24.11.2021. The applicants have produced on record copy of the said order. Learned counsel taking us through the order passed by the Hon'ble High Court in the said group of WPs prayed for similar orders in the present OAs.

4. Learned Chief Presenting Officer appearing for the respondents in the present matters did not oppose for passing such order.

5. We have perused the order passed by the Hon'ble High Court referred to and relied upon by the learned counsel appearing for the applicants passed in W.P. No. 5252/2020 with connected WPs on 24.11.2021. The petitioners before the Hon'ble High Court were appointed as ANM/Health Worker under the programme of Reproduction and Child Health Project (RCH). Majority of the petitioners were appointed prior to ten years. Some of them were appointed for a lesser period also. It was the contention of the said petitioners that they were appointed after passing the written examination, and

conduct of interview pursuant to the advertisement. The medical verification was also done. It was submitted on behalf of the petitioners that the RCH project was continuing. It was also submitted that the said project was funded by the Central Government to some extent and the employees employed thereunder were paid consolidated amount of salary every month. It was argued on behalf of the Government that the said petitioners were not appointed against the sanctioned post of Zilla Parishad or the State Government and were appointed under the project on contract basis and, as such, cannot be regularized. The Hon'ble High Court after having considered the submissions made on behalf of the petitioners and the respondents therein passed the following order: -

“11. In the light of that, we direct the State Government to consider the cases of the petitioners for regularization either on the posts they are working under the RCH or some other posts under the State Government considering the length of service. The State Government can also fix the cutoff date viz. that the persons working for a minimum period of particular years may be considered for regularization.

12. The State Government may take decision upon the aforesaid aspect i.e. the regularization of the services of the petitioners as discussed above on its own merits, expeditiously and preferably within a period of six (06) months from today. Depending upon the decision taken by the State Government, the parties may take appropriate steps.

13. With the aforesaid observations and directions, the writ petitions stand disposed of. No costs.”

6. In light of the order passed by the Hon’ble High Court as aforesaid when we examined the cases of the present applicants, it is noticed that the applicants stand at par with the petitioners in the aforesaid WPs decided by the Hon’ble High Court. Both the applicants have been selected after passing the written examination, conduct of interview pursuant to the advertisement. Both appear to be working for more than ten years. Their entry in service cannot be said to be a backdoor entry. In the circumstances, it appears to us that the applicants also deserve to be granted the same relief as has been granted by the Hon’ble High Court in favour of the petitioners in the aforesaid writ petitions.

7. The order of the Hon'ble High Court was passed on 24.11.2021 and the Government was directed to take decision within the period of 06 months therefrom. Admittedly the period of more than 06 months has elapsed. However, neither the learned counsel for the applicants nor the learned C.P.O. could submit any concrete information whether the Government has taken any decision as directed by the Hon'ble High Court in the aforesaid writ petitions and if 'yes', what decision has been taken. In the aforesaid circumstances, we deem it appropriate to dispose of the present O.As. with the following order:-

8. The respondents shall apply the decision, if any, taken by the State pursuant to the directions issued by the Hon'ble Bombay High Court in writ petition No. 5252/2020 with connected writ petitions on 24.11.2021 to the present applicants also and shall extend the similar benefits and pass the necessary orders in that regard within 12 weeks from the date of this order. Alternatively, if the Government has yet to take the decision as directed in the aforesaid writ petitions, while taking the decision, the cases of the

::-6-: **OA. NO 445/19 & Anr.**

present applicants shall also be considered along with the petitioners in the aforesaid writ petitions.

9. With the directions as above the Original Applications stand disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 48 OF 2023
(Shankar H. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Smt. Manusha B. Ambekar, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer has sought leave to place on record the affidavit in reply on behalf of respondent Nos. 1, 2 & 3. Learned counsel has consented for that. Affidavit in reply is, therefore, taken on record. Copy is given to the learned counsel for the applicant.

3. S.O. to 18.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 196 OF 2021
(Sandip Pandurang More Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.02.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 916 OF 2023
(Namdev Vitthal Palekar Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 789 OF 2023
(Ramesh B. Dhope Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. S.O. to 15.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

ORIGINAL APPLICATION NO. 689/2023

(Dr. Ganesh Laxman Khandarkar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. The applicant had applied for the post of Anesthetist in E.S.I. Hospital in pursuance of the advertisement No. 124/2022. Total 05 posts were advertised. As is revealing from the pleadings in the Original Application, none of the candidates was held the eligible in the scrutiny of the applications done by the respondent no. 02, the M.P.S.C. It is the contention of the applicant that the respondent no. 02 did not consider the candidature of the applicant on the ground that the experience certificate was not submitted by the present applicant in the format as was directed to be submitted in the advertisement.

3. Learned counsel for the applicant submitted that respondent no. 02 in its communication dated 07.06.2023 has candidly admitted that the applicant is holding the experience for the advertised post as prescribed in the advertisement, however, since the certificate is not in the proper format, the required aspects are not being cleared by the applicant. Learned counsel submitted that the applicant was holding the required experience even on the date of filing the application, however, the relevant certificates as were required could not be submitted by the applicant at the relevant time. Learned counsel submitted that insofar as this aspect is concerned, the M.P.S.C. has always given an opportunity to the candidates to rectify such mistakes and submit the certificates in the proper format. Learned counsel submitted that the applicant must have been given the same treatment by respondent no. 02. Learned counsel submitted that even otherwise there seems no candidate eligible to be appointed, since all the candidates, who have, applied for the said post, have been held ineligible by the respondents. In the circumstances, prayer has been made by the applicant in the

present application seeking direction against the respondents to reconsider the case of the applicant for his appointment to the post of Anesthetist, if he is fulfilling all the norms as required.

4. Respondents have failed in filing affidavit in reply and hence the matter has been heard without their reply. Learned Presenting Officer submitted that the candidates are under an obligation to fully comply with the conditions incorporated in the advertisement while filling in the application, since the applicant failed in discharging said obligation, now he cannot make such request for reconsidering his application. Learned P.O., therefore, prayed for rejection of the Original Application.

5. We have duly considered the submissions advanced on behalf of the applicant, as well as, the respondents. We have also gone through the documents placed on record. From the documents it is quite clear that none of the candidates, who had applied for the subject post, is held eligible for to be considered for such appointment. Insofar as the present applicant is concerned, the communication

at page 28 of the paper book i.e. letter received to the applicant dated 7.6.2023 from the M.P.S.C. reveals that though the M.P.S.C. has admitted that the applicant possesses the requisite experience, he has not held him eligible for want of his experience certificate in the proper format. If that be so, it appears to us that the applicant must be given an opportunity to submit a document insofar as the experience part is concerned and if he holds the experience as required, further process can be undertaken by respondent no. 02.

6. Documents placed on record in regard to some other recruitment processes reveal that respondent no. 02 has given an opportunity to the candidates to bring the requisite experience certificates at the time of document verification. It appears to us that same procedure could have been adopted in the present recruitment also.

7. In the circumstances, the present Original Application can be disposed of by giving directions to respondent no. 02 to give an opportunity to the applicant to submit the experience certificate in the

prescribed format and if respondent no. 02 on scrutiny of said document finds that the applicant is holding the required experience, further process in pursuance of the advertisement No. 124/2022 may be carried out. It is clarified that, the applications of the remaining candidates, if have been rejected on the same ground, there shall not be any impediment for calling such candidates also for rectifying the said mistake and opportunity be given to all of them though they have not approached the Tribunal. We are informed that there is serious shortage of Medical Officers in the Government Hospitals, as well as, Medical Colleges and also in the ESIS Hospitals. If this be so, the respondents shall not be too technical in processing the applications. While saying so we do not mean that the essential eligibility criteria is to be overlooked or compromised. Those aspects are to be scrupulously looked into. However, only on the ground that the certificate is not submitted in the prescribed format, the candidates shall not be held ineligible and such mistakes can be get rectified by the candidates concerned. Of course, this course is also to be adopted in the exceptional circumstances.

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O.A. NO. 689/2023

8. With the directions and observations as aforesaid, the Original Application stands disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 16.02.2024

C.P. NO. 02/2024 IN O.A. NO. 530/2023
(Manjusha M. Mutha Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the petitioner and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Chief Presenting Officer has placed on record the order of appointment issued in favour of the applicant, whereby she has been appointed on the post of District Rehabilitation Officer at Chatrapati Sambhajinagar. The appointment order dated 16.02.2024 is taken on record and copy thereof has been supplied to other side.

3. In view of the order passed by the respondents, the order passed by the Tribunal stands complied with. Contempt Petition, therefore, stands disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 115/2022 IN O.A.ST.NO. 138/2022
(Mangesh Sanjay Vishwasu Vs. State of Maharashtra & Ors.)

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

DATE : 16.02.2024

ORAL ORDER :

Heard Shri V.R. Jain, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Chief Presenting Officer for the respondent authorities.

2. The applicant has filed the present application seeking direction against respondent No. 3 i.e. the District Malaria Officer, Aurangabad to issue order of appointment to the applicant on the post of Multipurpose Health Worker (Malaria) from 40% quota reserved for fresh candidates. Since the delay has occasioned in filing the O.A. the applicant has filed the present Misc. Application seeking condonation of delay, which has occurred in filing O.A.

3. In the M.A. it is the contention of the applicant that though the applicant passed written examination and he was only one candidate for the

::-2-:: **M.A.NO. 115/2022 IN**
O.A.ST.NO. 138/2022

post of Multipurpose Health Worker (Malaria) from the OBC category, the respondents did not communicate to the applicant why he has not been selected. It is the further contention of the applicant that the respondents published the first selection list, wherein the name of the applicant was not included. The respondents then published second and third selection lists, however, in the said lists also his name was not there. As contended in the application the third list was published in the year 2019. It is the further contention of the applicant that the applicant was not intimated or informed the reasons for not selecting him and, hence, did not approach the Court or Tribunal. It is further contended that ultimately in the year 2021, he filed W.P. before the Hon'ble Bombay High Court Bench at Aurangabad. It is his further contention that on 25th October, 2021, the Hon'ble High Court disposed of the W.P. by giving liberty to the applicant to approach this Tribunal. It is further contended that in March, 2020 the Central Government, as well as, the State Government had declared lockdown due to COVID-19 and in such circumstances the applicant

::-3-:: **M.A.NO. 115/2022 IN**
O.A.ST.NO. 138/2022

could not approach to the Court and, therefore, the delay has been caused in filing the O.A. According to the applicant, there is delay of 03 years, 04 months and 02 days. Learned counsel appearing for the applicant submitted that the delay caused in filing O.A. is unintentional and for bona-fide reasons. He, therefore, prayed for condoning the delay.

4. The respondents have filed affidavit in reply opposing the contentions raised in the application. Learned Presenting Officer submitted that the applicant has failed in making out the sufficient cause for condoning the delay and, therefore, prayed for rejecting the application.

5. We have duly considered the submissions made on behalf of the applicant and the respondents. We have also perused the contents of the M.A. as well as O.A. and the documents placed on record in the O.A. The documents on record reveal that the advertisement was issued on 21.01.2016. The written examination was held on 8th January, 2017. The applicant was called for

::-4-:: **M.A.NO. 115/2022 IN**
O.A.ST.NO. 138/2022

counseling and document verification on 20.08.2017. Though the applicant has taken a plea that 03 selection lists were published and third selection list was published in the year 2019, nothing has been produced by the applicant in support of his said contention. On the contrary, the documents filed on record reveal that the applicant was selected in the category of OBC (part time) and was, therefore, called for counseling. Though the applicant has raised another plea that he was never communicated as to why he has not been selected, in the O.A. it is disclosed that he was not selected as he was not possessing 90 days' experience certificate as Seasonal Spraying Worker. In the advertisement there was a specific contention that for appointment from the quota of part time employees the candidate concerned was required to possess the certificate of experience of having worked for 90 days as Malaria Spraying Worker. It appears that since the applicant did not submit the requisite certificate he could not be selected. The applicant thus has not disclosed the facts correctly in the M.A.

6. Secondly, from the documents it is quite evident that the cause of action to approach the

::-5-:: **M.A.NO. 115/2022 IN**
O.A.ST.NO. 138/2022

Tribunal had arisen in the year 2017 itself or at the most in the beginning of the year 2018. However, the applicant did not take any prompt steps to ventilate his grievance. Two reasons are stated by the applicant to justify the delay occasioned in approaching this Tribunal. First that he was awaiting communication from the respondents and second that in the meanwhile because of CORONA pandemic he could not approach the Tribunal. The first reason as has been assigned is not genuine. The list of selected candidates was published and the applicant was also called for the document verification on 20.08.2017.

7. From the averments taken in the O.A. it is quite evident that the applicant was quite aware of the fact that he was not selected as he failed in producing on record the experience certificate. Thus the said reason cannot be accepted. The reason as about the CORONA Pandemic is also difficult to be accepted for the reason that the period of CORONA pandemic started in March, 2020. The applicant has failed in explaining the period in between August, 2017 to March, 2020. In the matters of

::-6-:: **M.A.NO. 115/2022 IN**
O.A.ST.NO. 138/2022

recruitment the candidates are supposed to be more diligent. The recruitment process started in the year 2017, must have been concluded. The applicant has also not produced on record any evidence to show that the posts, which were advertised vide advertisement dated 21.01.2016, are still vacant.

8. It is further noticed that the applicant had applied for the subject post claiming the benefit of being seasonal worker as Malaria Spraying Worker through that quota and he seems to have been declared ineligible or has not been considered for not having the requisite experience of 90 days' work as a Malaria Spraying Worker, whereas in the O.A. request is made for the appointment against the seat reserved for direct recruit i.e. fresher, which may not be permissible.

9. For all above reasons and more particularly for failure on the part of the applicant in making out any sufficient cause for condoning the delay, the application deserves to be rejected and is accordingly rejected, however, without any order as to costs.

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M.A.NO. 115/2022 IN
O.A.ST.NO. 138/2022

Consequently, O.A. on stamp number also stands disposed.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 16.02.2024-HDD

M.A.NO.62/2024 IN O.A.NO.979/2023

(Sushant U. Sasane in M.A., Vishwajeet Kulkani in O.A. Vs. State of Maharashtra & Ors.)

O.A.NO.999/2023

(Shivaji Borkar & Ors. Vs. State of Maharashtra & Ors.)

O.A.No.1053/2023

(Babasaheb Mhaske & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 16.02.2024

ORAL ORDER :

Shri Swapnil S. Daregad, learned Counsel for the applicant in M.A.62/2024, Shri M.S.Shaikh, learned Counsel for applicant in O.A.979/23, Shri S.S.Dambe, learned Counsel for applicants in O.A.999/23, Shri A.D.Gadekar, learned Counsel for applicants in O.A.1053/23 and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Shri M.S. Shaikh and Shri S.S. Dambe, learned counsel for the applicants in O.A. No. 979/2023 and O.A. No. 999/2023 respectively, seek leave of this Tribunal to add intervenors as respondents in OAs. Leave granted as prayed for. The necessary amendment be carried out forthwith.

**:: - 2 - :: M.A.NO.62/24 IN O.A.979/23,
O.A.NO.999/23, O.A.No.1053/2023**

3. Learned CPO submits that during the course of day affidavit in reply in O.A.1053/2023 will be filed on behalf of respondents. If the reply is filed it be taken on record.
4. S.O. to 06-03-2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

YUK/HDD ORAL ORDER 16.02.2024