

ORIGINAL APPLICATION NO. 120/2023
(Shri Anilkumar M. Dabshede Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present. Shri S.S. Dambe, learned counsel for respondent no. 2 (**absent**).

2. When the present matter is taken up for consideration today it is informed that though the representation of the applicant has been submitted to the office of the Hon'ble Chief Minister, no decision has been yet taken. On the previous date the letter dated 27.2.2023 received the office of Chief Presenting Officer was tendered along with affidavit in reply, wherein also the same submission was made that the representation of the applicant is submitted to the office of the Hon'ble Chief Minister. Today also the same reason has been assigned on behalf of the respondents.

3. In the circumstances, the learned Presenting Officer shall inform the concerned Officers to expedite the case of the applicant and to ensure that some or

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other decision is taken on the representation of the applicant by the Hon'ble Chief Minister.

4. The matter, therefore, stands adjourned to 5.4.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 16.3.2023

**ORIGINAL APPLICATION NO. 753/2021
(Shri Shankar Dhupe & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.4.2023 for further consideration.

VICE CHAIRMAN

ARJ ORAL ORDER 16.3.2023

ORIGINAL APPLICATION NO. 757/2021
(Smt. Jayashri Bhokre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.4.2023 for further consideration.

VICE CHAIRMAN

ARJ ORAL ORDER 16.3.2023

**M.A. NO. 194/2020 IN O.A. NO. 174/2020
(Shri Ravindra Bidekar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Heard Shri A.A. Khande, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri G.N. Patil, learned counsel for respondent no. 4.

2. This is an application seeking condonation of delay, which has occasioned in filing the annexed Original Application by the applicant. According to the applicant, there is no delay since as per the version of the applicant, the cause of action has arisen on 17.2.2019, when the applicant came to know that his proposal was being delayed because of some discrepancies on part of office of the respondent nos. 3 & 4. The learned counsel for the applicant submitted that after having got the knowledge of letter dated 17.2.2019 the applicant was consistently pursuing the matter and in the circumstances, it cannot be said that the applicant has committed any delay in approaching the Tribunal. The learned counsel submitted that name of the applicant was to be included in the waiting list and his seniority must have been shown from the date of his

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**M.A. 194/2020 IN
O.A. NO. 174/2020**

making application. However, it was shown late by about one year, which has resulted in depriving the applicant from getting the compassionate appointment and somebody else has been given the said benefit. The learned counsel submitted that after the name of the applicant was included in the waiting list nothing was in the hands of the applicant except to wait for further communication from the respondents. The learned counsel, in the circumstances, has prayed for condoning the delay, if any, as occasioned in filing the accompanying O.A. and also prayed for giving an opportunity to prosecute the O.A. on merits.

3. Shri G.N. Patil, learned counsel for respondent no. 4 has opposed the request so made by the applicant. The learned counsel submitted that the delay occasioned in approaching the Tribunal by the applicant is of more than 9 years and the same has not been appropriately explained by the applicant. The learned counsel submitted that it was the responsibility of the applicant alone to see the progress in the matter and he could not have remained silent for long 9 years. The learned counsel further submitted that no follow up from the side of the applicant is sufficient to draw an inference that the applicant was not in need of compassionate

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appointment. The learned counsel further submitted that having regard to the date of application submitted by the applicant i.e. in March, 2010, according to his own version, the outer age limit was of 40 years at the relevant time, and having regard to the age of the applicant at the time of submitting application he would have completed age of 40 years sometime in the year 2015 and in the circumstances, according to learned counsel for respondent no. 4, some efforts, if at all the applicant is to be held diligent, must have been taken by him before 2015. Not making any efforts till that period sufficiently indicates that the applicant was not in need of any such appointment. The learned counsel submitted that in absence of any cogent and sufficient explanation from the side of the applicant, the huge delay occasioned in filing the present application cannot be condoned. The learned counsel, therefore, prayed for rejecting the application.

4. Shri V.R. Bhumkar, learned Presenting Officer appearing for respondent nos. 1 to 3 adopted the arguments advanced by Shri G.N. Patil, learned counsel appearing for respondent no. 4. Additionally the learned P.O. submitted that the very purpose of giving compassionate appointment is to provide solace to the

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family members of the Government servant who died in harness. The learned P.O. submitted that waiting for 9 years sufficiently indicates the non-requirement of compassionate appointment by the applicant. The learned P.O. also therefore prayed for dismissal of the application.

5. I have duly considered the submissions advanced by the learned counsel for the applicant, learned counsel for respondent no. 4 and the learned Presenting Officer for respondent nos. 1 to 3. It is not in dispute that the Government servant died in the year 2010 i.e. on 7.1.2010 and the application seeking compassionate appointment was submitted by the applicant within time i.e. on 2.3.2010. It is not denied by the respondents that the name of the applicant was included in the waiting list of the candidates eligible to be given compassionate appointment. Once name was included in the waiting list perhaps except waiting for reply or letter of appointment nothing was left in hands of the applicant as has been submitted on behalf of the applicant. Submission so made cannot be wholly accepted as it is. The entire responsibility cannot be put on the respondents. The applicant also needs to be diligent in pursuing his own matter. In the present matter though there is no documentary evidence on record as about

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persuasions if at all made by the applicant, however, from other documents it is revealed that some non-compliances were on the part of respondent no. 4 as indicated in the letter dated 17.2.2019. Moreover, as long as age limit is not crossed, the right of the applicant survives to receive the compassionate appointment. In the circumstances, according to me, opportunity needs to be given to the applicant to prosecute his matter on merit. I am, therefore, inclined to allow the present application. Hence, the following order :-

ORDER

- (i) The Misc. Application stands allowed without any order as to the costs.
- (ii) The delay occasioned in filing annexed O.A. is condoned.
- (iii) Original Application be registered in accordance with law.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 174/2020
(Shri Ravindra Bidekar Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Heard Shri A.A. Khande, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 3 and Shri G.N. Patil, learned counsel for respondent no.4.

2. Issue notice to the respondents, returnable on 9.6.2023.

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 9.6.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 701/2022

(Shri Raosaheb A. Pallewad Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri NU Yadav, learned Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned counsel for respondent no. 5, are present.

2. The present matter is wrongly placed on the 'Reply Matters' board. It be placed on 'Hearing Matters' board' on 20.3.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 16.3.2023

ORIGINAL APPLICATION NO. 743/2022
(Shri Ankush R. Kolekar Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

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

2. S.O. to 6.4.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 16.3.2023

**ORIGINAL APPLICATION NO. 612/2021
(Dr. Arun B. Morale Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri S.P. Salgar, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Pramod Pisal, learned counsel for respondent nos. 3 to 5, are present.

2. The learned Presenting Officer has sought time to file the affidavit in reply on behalf of respondent nos. 1 & 2. The learned counsel for the applicant also agrees that the affidavit in reply of respondent nos. 1 & 2 is necessary, though the affidavit in reply is already filed by respondent nos. 3 & 4.
3. In the circumstances, time granted to respondent nos. 1 & 2 till 13.4.2023 to file the affidavit in reply.
4. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 479/2019
(Shri Khobraji L. Bele Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Shri N.R. Thorat, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. By filing the present application the applicant has prayed for applicability of pension and retiral benefits to him. According to his contentions, the applicant has completed qualifying service and hence he is entitled for the pension and retiral benefits in accordance with law.

3. The learned Presenting Officer, however, pointed out that having regard to the long absence more than 5786 days and in absence of any order placed on record whether the said period has been considered by the competent authority as extraordinary leave, the applicant may not be entitled for pension.

4. While hearing the matter it is noticed by me that the Government way back in the year 2022 vide letter dated 30.5.2022 directed the respondent no. 3 to take appropriate decision as about the period of absence from

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O.A. NO. 479/2019

duty of the applicant whether to be held as break in service or as extraordinary leave. It is informed that the respondent no. 3 did not take any decision despite such directions. In the circumstances, without going into the merits of the matter, it can be disposed of by directing the respondent no. 3 to take the decision as was directed to be taken in the letter dated 30.5.2022 from the Government. Hence, I pass the following order:-

ORDER

(i) The respondent no. 3 shall take appropriate decision as per the directions issued by the State Government vide its letter dated 30.5.2022 within 8 weeks from the date of this order.

(ii) The Original Application stands disposed of with the aforesaid order. No order as to the costs.

VICE CHAIRMAN

ARJ ORAL ORDER 16.3.2023

**O.A.NOS. 965, 966, 967, 968, 969, 880, 881 & 1028
ALL OF 2022
(Prabhakar M. Kavthekar & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri Ganesh J. Kore, learned counsel for the applicants, Shri S.K. Shirse, learned Presenting Officers for the respondent authorities in all these matters and Shri S.D. Dhongde, learned counsel for respondent no. 2 in O.A. No. 968/2022, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in replies on behalf of respondent no. 1 & 2 in O.A. No. 880/2022 and in O.A. No. 1028/2022. The same are taken on record and copies thereof are supplied to other side. In rest of the matters the learned P.O. has sought time for filing the affidavit in reply of the respondents. Time granted as one more chance.

3. S.O. to 5.4.2023.

VICE CHAIRMAN

ORIGINAL APPLICATIONI ST.NO. 360 OF 2023
(Digambar S. Pawar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

1. This Original application is filed by the applicants, who are appointed as Secondary Teacher in respective Zilla Parishad.
2. They have challenged the Deputy Education Officer, Group -B (Gazetted) in the Maharashtra Education Service, (Administrative Branch) (Recruitment) Rules, 2022 dated 28th December, 2022 notified by the School Education and Sports Department, Government of Maharashtra thereby excluding applicants' cadre from feeder cadre of Deputy Education Officer and seeking interim relief of injunction and stay from implementing the said Recruitment Rules.
3. It is the case of the applicants that by enacting the Recruitment Rules, 2022, next promotional avenue which was available to the applicants is withdrawn by limiting the feeder cadre of District Technical Service, Group -C only by including

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O.A.St.360/2023

therein the post of Extension Officer (Education) and thereby excluding the post of Assistant Teacher, Head Master (Non-Gazzated), Lecturer (Junior Colleges) and Secondary Teacher, who were also included there along with post of Extension Officer (Junior), which were therein Recruitment Rules, 2016.

4. We have heard learned Senior Advocate Shri V.D. Sapkal instructed by Smt. Nikita N. Gore, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

5. After having considered pleadings and documents on record, we do find substance in the contention raised by the learned Senior Advocate for the applicant that prima-facie the applicants are deprived of the right and promotional avenue available to the applicants as per earlier Recruitment Rules, 2016, when new Recruitment Rules, 2022 are enacted. In the circumstances, legality of the Recruitment Rules, 2022 as claimed by the applicants is required to be examined, which can be done by hearing Original Application. In view of the same, in our considered opinion, this is a fit case to

grant interim relief of restraining the respondents from implementing Recruitment Rules, 2022 for granting permanent promotion to the post of Deputy Education Officer till filing of reply by the respondents. It is ordered accordingly.

6. Issue notices to the respondents, returnable on 17.04.2023.

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

8. 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.

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

10. The service may be done by hand delivery, speed post, courier and acknowledgment be

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obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

11. S.O. to 17.04.2023.

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

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 16.03.2023.

T.A.NO. 7 OF 2016 (W.P.NO. 1533/2015)
(Chandrakala Kacharu Navgire Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

Heard Shri Rafiq Shaikh, learned Advocate holding for Shri Nasim R. Shaikh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter is reserved for order.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 16.03.2023.

ORIGINAL APPLICATION NO. 749 OF 2016
(Sachin A. Palkhe Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

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

3. At the request of the learned Advocate for the applicant, S.O. to 13.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 641 OF 2015
(Bhagatsingh P. Patil (Pawar) Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

None present on behalf of the applicant.

Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is **absent**.

2. Learned P.O. for the respondents placed on record the copy of order dated 24.01.2020. It is taken on record and marked as document 'X' for the purpose of identification. As per this document, the applicant has been exonerated of all the charges of departmental enquiry initiated against him which order is issued by the respondent No.3 i.e. the Sub-Divisional Officer, Sillod.

3. In view of the same, nothing survives in the Original Application. Hence, the Original Application stands disposed of. No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 689 OF 2015
(Dr. Shrikant B. Tambe Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, and Shri V.B. Wagh, learned Advocate for the respondent No.6.

Shri Pradeep R. Patil, learned Advocate for the respondent No.5, is **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 13.04.2023 as a last chance for filing hearing peremptorily/ for dismissal.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 201 OF 2016
(Sayyed Habib Sayyed Abdul Rahim & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicants, S.O. to 10.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 447 OF 2016
(Bhagyashir P. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

Shri Gajanan Kadam, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. It is revealed that neither the applicant nor Advocate for the applicant has attended the present matter since long. It appears that the applicant has lost interest in prosecuting the matter further. Today also no one has caused appearance for the applicant when the matter is fixed for final hearing peremptorily/ for dismissal. In the circumstances, the following order is passed.

ORDER

The Original Application stands dismissed in default.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 482 OF 2016
(Harshal V. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, S.O. to 12.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

C.P. No. 13/2023 in O.A. No. 340/2022
(Nandkishor S. Chitlange Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. Issue notices to respondents in C.P., returnable on 06.06.2023.

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 06.06.2023.

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

MEMBER (A)

MEMBER (J)

M.A. No. 100/2023 in O.A. St. No. 360/2023
(Digambar S. Pawar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Learned Senior Advocate Shri V.D. Sapkal instructed by Ms. Nikita N. Gore, learned Advocate 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 the respondents jointly.

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

4. The accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. No. 100/2023 stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 186 OF 2023
(Anand I. Dhale Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 07.06.2023.
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 07.06.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 193 OF 2023
(Vinayak U. Banchod Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 28.04.2023.

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 28.04.2023.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 203 OF 2023
(Aditi V. Banchod Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 05.04.2023.

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 05.04.2023.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 205 OF 2023
(Jeevan N. Wader Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. The present Original Application is filed seeking following reliefs in terms of prayer clause VIII (A) & (B), which are as under :-

“(A) To hold and declare that the applicant is eligible for interview scheduled on 20.03.2023 for the post of Under Secretary (Legal) Group-A by setting aside the list of not eligible candidates published on 13.03.2023 to the extend of the applicant.

“(B) To direct the respondent No.2 to include the name of the applicant in the list of eligible candidates and call him for interviews scheduled on 20.03.2023 for the post of Under Secretary (Legal) Group-A and to direct the respondent No.2 conduct the interviews of the applicant.”

3. During the course of hearing, learned C.P.O. placed on record a copy of letter dated 10.03.2023 addressed by the MPSC i.e. the respondent No. 2 to the applicant, thereby considering the claim of the applicant and making him eligible for further selection process. Copy of the said letter is taken on record and marked as document 'X' for the purpose of identification.

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O.A. No. 205/2023

4. In view of above, the grievance raised by the applicant in the present Original Application said to have been redressed. Hence, the O.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

ORIGINAL APPLICATION NO. 206 OF 2023
(Anil R. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. The present Original Application is filed challenging the impugned communication / order dated 26.12.2022 (Annexure A-1) issued by the respondent No. 3 i.e. the Additional Commissioner, Tribal Development Department, Nashik, thereby preparing probable select list of the candidates in the cadre of Senior Clerk to be promoted as Head Clerk. The candidates in the said list are admittedly junior to the applicant.

3. The applicant is not being considered, as he has not passed the qualifying examination as per Qualifying Examination (for Supervisory posts in the Directorate of Tribal Development) Rules 1990. It is the grievance of the applicant that though he entered into service in the year 2015 on the post of Senior Clerk, thereafter only once i.e. in the year 2017 qualifying examination was held. The applicant could not clear the said examination in one chance. Thereafter till date no qualifying

examination was held for Supervisory Post. In view of the same, the applicant is deprived for further promotion for no fault of his. The junior persons to the applicant are being considered on the ground of exemption being available to them for qualifying examination on the basis of requisite old age.

4. In the circumstances as above, prima-facie, it appears that if the respondents proceed with the promotion process, it is likely to affect the applicant adversely for his no fault. The respondents have prima-facie, failed to conduct the qualifying examination every year. Even if it is to be considered that the qualifying examinations were not held every year for some reason, promoting juniors to the post of Head Clerk is likely to adversely affect the case of the applicant, leading to the situation, where the respondents may have to face the claim of deemed promotion, which would amount wasteful expenditure of public money.

5. In these circumstances, in our considered opinion, this is a fit case to grant ad-interim relief. The ad-interim relief in terms of prayer clause 12(b) i.e. *“(b) Pending hearing and final disposal of this Original Application the Respondent Nos. 1 to 3 may kindly be directed to not to finalise and issue any final promotion list, without*

considering the representation submitted by Applicant.” is hereby granted till next date of hearing, by which date the respondents are to consider the representation submitted by the applicant and to provide the copy of decision to the applicant immediately.

6. Issue notices to respondents, returnable on 18.04.2023.

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.

10. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and

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O.A. No. 206/2023

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

11. S.O. to 18.04.2023.

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

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

ORIGINAL APPLICATION NO. 207 OF 2023
(Baliram T. Barhe Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The present Original Application is filed challenging the impugned communication / order dated 26.12.2022 (Annexure A-1) issued by the respondent No. 3 i.e. the Additional Commissioner, Tribal Development Department, Nashik, thereby preparing probable select list of the candidates in the cadre of Senior Clerk to be promoted as Head Clerk. The candidates in the said list are admittedly junior to the applicant.

3. The applicant is not being considered, as he has not passed the qualifying examination as per Qualifying Examination (for Supervisory posts in the Directorate of Tribal Development) Rules 1990. It is the grievance of the applicant that though he entered into service in the year 2015 on the post of Senior Clerk, thereafter only once i.e. in the year 2017 qualifying examination was held. The applicant could not clear the said examination in one chance. Thereafter till date no qualifying

examination was held for Supervisory Post. In view of the same, the applicant is deprived for further promotion for no fault of his. The junior persons to the applicant are being considered on the ground of exemption being available to them for qualifying examination on the basis of requisite old age.

4. In the circumstances as above, prima-facie, it appears that if the respondents proceed with the promotion process, it is likely to affect the applicant adversely for his no fault. The respondents have prima-facie, failed to conduct the qualifying examination every year. Even if it is to be considered that the qualifying examinations were not held every year for some reason, promoting juniors to the post of Head Clerk is likely to adversely affect the case of the applicant, leading to the situation, where the respondents may have to face the claim of deemed promotion, which would amount wasteful expenditure of public money.

5. In these circumstances, in our considered opinion, this is a fit case to grant ad-interim relief. The ad-interim relief in terms of prayer clause 12(b) i.e. *“(b) Pending hearing and final disposal of this Original Application the Respondent Nos. 1 to 3 may kindly be directed to not to finalise and issue any final promotion list, without*

considering the representation submitted by Applicant.” is hereby granted till next date of hearing, by which date the respondents are to consider the representation submitted by the applicant and to provide the copy of decision to the applicant immediately.

6. Issue notices to respondents, returnable on 18.04.2023.

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.

10. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and

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O.A. No. 207/2023

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

11. S.O. to 18.04.2023.

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

MEMBER (A)

KPB ORAL ORDERS 16.03.2023

MEMBER (J)

ORIGINAL APPLICATION NO. 208 OF 2023
(Suryabhan E. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. Issue notices to respondent Nos. 1 to 4, returnable on 06.04.2023.

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

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

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

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

7. **The point of Interim Relief is kept open.**

8. S.O. to 06.04.2023.

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

MEMBER (A)

MEMBER (J)

M.A. St. No. 432/2023 in O.A. St. No. 295/2023
(Shubham H. Waghmare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri Sayed Tauseef Yaseen, learned Advocate for the applicants (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. As none present for the applicants, S.O. to 05.04.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 601/2019 in O.A. St. No. 2211/2019
(Maharashtra Rajya Rekhachitra Shakha Karmachari Sanghatna
through his president Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri Avinash Khedkar, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 25.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 611/2019 in O.A. St. No. 2374/2019
(Rambhau A. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 25.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

**MA 200/2020 in MA 506/2018 in OA St. 1951/2018
(Sajed Khan Ajiz Khan Pathan Vs. State of Maharashtra & Ors.)**

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, Shri V.G. Pingle, learned Advocate for respondent No. 7. Shri C.B. Gore, learned Advocate for respondent Nos. 5 and 6, **absent**.

2. S.O. to 06.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 343/2021 in O.A. No. 692/2017
(Bhanudas R. Watane Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 19.04.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 362/2021 in O.A. No. 745/2021
(Arvind D. Gaikwad and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Smt. Archana Therokar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 06.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 94/2022 in O.A. St. No. 249/2022
(Dipak S. Sherkhane Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri G.J. Kore, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. S.O. to 06.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 171/2022 in O.A. St. No. 405/2022
(Dhanraj P. Kankriya Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

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

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

DATE : 16.03.2023.

ORAL ORDER :

Shri P.R. Tandale, learned Advocate for the applicants (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 25.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 578/2022 in O.A. No. 886/2019
(Tukaram S. Jagtap died through his LRs Vs. State of
Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri Chandrasen A. Shingare, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. St. No. 664/2022 in O.A. St. No. 665/2022
(Reshma K. Kamble & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 17.04.2023 for re-hearing. **High on board.**

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

ORIGINAL APPLICATION NO. 153 OF 2017
(Dr. Ramnath B. Hamke Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present. Shri A.D. Aghav, learned Advocate for respondent Nos. 4 & 5, absent.

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

3. S.O. to 12.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 345 OF 2017
(Abhiman M. Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned Advocate for respondent Nos. 2 to 6.

2. The present matter has already been treated as part heard.
3. S.O. to 05.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 83 OF 2021
(Ashok R. Tonde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri G.K. Kshirsagar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 05.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

**T.A. No. 22/2022 in W.P. No. 12575/2022
(Shankar P. Dange Vs. State of Maharashtra & Ors.)**

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri R.J. Nirmal, learned Advocate holding for Shri R.R. Kale, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned Advocate for respondent No. 4.

2. The present matter has already been treated as part heard.
3. Learned Advocate for the applicant filed written notes of argument. Same is taken on record.
4. Learned C.P.O. placed on record a copy of Government Order dated 16.02.2023. Same is taken on record and marked as document 'X' for the purpose of identification.
5. S.O. to 27.03.2023. **High on board.**

MEMBER (A)

MEMBER (J)

**O.A. No. 165/2021 with O.A. No. 680/2021
(Anil Y. Rokade Vs. State of Maharashtra & Ors.)**

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

DATE : 16.03.2023.

ORAL ORDER :

Shri R.A. Joshi, learned Advocate for the applicant in both the O.As. (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities in both the O.As. and Shri S.B. Patil, learned Advocate for respondent Nos. 2 & 3 in both the O.As., are present.

2. S.O. to 10.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

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

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri A.R. Rathod, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities. Shri Suhas Shirsath, learned Advocate for respondent Nos. 3 & 4, **absent**.

2. S.O. to 06.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

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

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 10.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 448 OF 2019
(Anil T. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri S.D. Kotkar, learned Advocate for the applicants (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. Record shows that in spite of grant of opportunities, the rejoinder affidavit is not filed on behalf of the applicants. Hence, the present matter will proceed further without rejoinder affidavit of the applicants in accordance with law.

3. S.O. to 05.06.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 975 OF 2022
(Dattatrya D. Sonune Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Shri A.R. Gaikwad, learned Advocate for the applicant and Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 6. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 08.06.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

M.A. No. 60/2022 in O.A. St. No. 67/2022
(Gaus Mohayyopdin Shamshodin Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri G.N. Kulkarni, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, time is granted as one more last chance for filing rejoinder affidavit.

3. S.O. to 20.04.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 16.03.2023

M.A. No. 124/2022 in O.A. St. No. 260/2022
(Dr. Radhakisan N. Pokharkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Heard Smt. Archana Therokar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicants, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned Advocate for respondent No. 3 & 4.

2. The present matter is pertaining to Benefits of G.R. / arrears of pay scale. The matters regarding benefits of G.R. / arrears of pay scale are to be dealt with by the Single Bench.

3. In view of the same, the present matter be placed before the Single Bench for further hearing.

4. S.O. to 27.04.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 728 OF 2022
(Chandrakant M. Choudante Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri H.D. More, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondent Nos. 1 & 4. Hence, the present matter will proceed further without affidavit in reply of respondent Nos. 1 & 4 in accordance with law.

3. S.O. to 20.04.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 619 OF 2022
(Archana T. Tribhuvan Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri S.B. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time is granted as one more last chance for filing affidavit in reply on behalf of respondents.
3. S.O. to 21.04.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 03 OF 2022
(Sunil S. Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Smt. Sonal Bali, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, time is granted as a last chance for filing rejoinder affidavit.

3. S.O. to 25.04.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 500 OF 2021
(Swapnil S. Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Smt. Sonal Bali, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present. Shri A.K. Shejwal, learned Advocate for respondent No. 4, **absent**. None present on behalf of respondent No. 5, though duly served.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondent No. 4. Hence, the present matter will proceed further without affidavit in reply of respondent No. 4 in accordance with law.

3. S.O. to 21.04.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 419 OF 2020
(Ashish D. Dhakane Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Record shows that in spite of grant of opportunities, the rejoinder affidavit is not filed on behalf of the applicant. Hence, the present matter will proceed further without rejoinder affidavit of the applicant in accordance with law.

3. S.O. to 07.06.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 97 OF 2019
(Mirkhan Iliyaskhan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri Y.B. Pathan, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. At the request of learned P.O., time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.
3. S.O. to 05.06.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 274 OF 2019
(Prashant S. Sapkale Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

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

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

3. S.O. to 20.04.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 113 OF 2020
(Graduate Part Time Employee Association Vs. State of
Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri Ashish Rajkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 12.04.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 427 OF 2020
(Rahul B. Chaudhare Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.04.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 426 OF 2020
(Sunil S. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 16.03.2023.

ORAL ORDER :

Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.04.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

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

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

DATE : 16.03.2023.

ORAL ORDER :

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

2. In the facts and circumstances of the case, at the request of learned C.P.O. hearing of the present O.A. is expedited.

3. S.O. to 06.04.2023 for hearing. Interim relief granted earlier to continue till then. **High on board.**

MEMBER (A)

MEMBER (J)

**M.A.NO. 55/2022 IN O.A.NO. 604/2021
(Sarang K. Gore Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri G.N. Kulkarni, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 3.4.2023.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

**ORIGINAL APPLICATION NO. 1075 OF 2022
(Balchand D. Tejinkar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

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

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

3. List the matter for hearing on 11.4.2023. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

**M.A.NO. 300/2022 IN O.A.ST.NO. 855/2022
(Tukaram S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri M.M. Patil (Beedkar), learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Pleadings are complete. Rejoinder affidavit has also been filed. List the matter for hearing on 9.6.2023.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

**M.A.NO. 301/2022 IN O.A.ST.NO. 856/2022
(Uttam V. Bhumre Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri M.M. Patil (Beedkar), learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Pleadings are complete. Rejoinder affidavit has also been filed. List the matter for hearing on 9.6.2023.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

**ORIGINAL APPLICATION NO. 806 OF 2021
(Pralhad Sadashiv Sonune Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 3 and the same is taken on record. He undertook to serve the copy of the affidavit in reply on the learned counsel for the applicant. Other respondents have already filed affidavit in reply.

3. List the matter for further consideration on 8.6.2023.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

ORIGINAL APPLICATION NO. 216 OF 2023
(Nanasaheb Keshav Thorat Vs. State of Mah. & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Heard Shri A.P. Gunge, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has insisted for ad interim relief to stay the recovery. After having considered the pleadings and the documents filed on record, it does not appear to me that any case is made out for grant of interim relief as prayed. The recovery is directed against the medical advance taken by the applicant. There is no, *prima facie*, evidence placed on record by the applicant showing that the advance amount taken by him was adjusted in the medical bills or that he has remitted the said amount back to the Government. In the circumstances, no case is made out for grant of interim relief. Hence, the request for grant of interim relief is rejected.

3. Issue notices to the respondents, returnable on 9.6.2023.

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 9.6.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 88 OF 2023
(Dr. Sachin Vithal Nawale Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

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

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

3. S.O. to 10.4.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

**ORIGINAL APPLICATION NO. 263 OF 2022
(Bhaskar Damu Hire Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri A.D. Sugdare, 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 has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 25.4.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

**ORIGINAL APPLICATION NO. 501 OF 2022
(Jayant B. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri Vilas V. Mande, learned counsel for respondent No. 3, are present.

2. S.O. to 24.4.2023 for filing affidavit in reply of respondent Nos. 2 & 3. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

ORIGINAL APPLICATION NO. 355 OF 2022
(Basveshwar J. Warad Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Shri P.P. Dama, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent No. 4, are present.

2. Learned counsel Shri Shamsunder B. Patil has tendered across the bar affidavit in reply on behalf of respondent Nos. 2 and 4 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 3.5.2023 for filing affidavit in reply of other respondents.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

ORIGINAL APPLICATION NO. 493 OF 2021
(Smt. Aruna S. Lahurikar Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Shri Sachin G. Joshi, 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 21.4.2023.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

**O.A.NO. 624/2022 WITH O.A.NO. 625/2022
(Dhananjay Trimbak Mahajan & Anr. Vs. State of
Maharashtra & Ors.)**

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

DATE : 16.3.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities in both these matters, are present.

2. Learned counsel for the applicants has tendered across the bar short affidavit and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 31.3.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 16.3.2023-HDD

O.A.NOS. 1094 & 1095 BOTH OF 2022

(Madhav B. Wangaje & Tukaram S. Pohare Vs. State of Maharashtra & Ors.)

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

DATE : 16.3.2023

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned counsel for the applicants, Shri M.P. Gude, learned Presenting Officer and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in respective matters.

2. The present matters are not on today's board. They are taken on board at the request of learned counsel for the applicants.

3. Learned counsel for the applicants submits that some respondents are already served and the request was made for reissuance of notices to the unserved respondents. The order passed on 8.3.2023 be corrected accordingly. The applicants shall now serve unserved respondents and file affidavit of service on the next date.

4. Matter to come up on board on the fixed date i.e. on 17.04.2023.

VICE CHAIRMAN

