

ORIGINAL APPLICATION NO.53/2024
(Digambar S. Thorat Vs. State of Maharashtra & Ors.)

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Heard Shri Mohanish V. Thorat, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Applicant has filed the present O.A. seeking following relief:

“A. This Hon’ble Tribunal may kindly quash and set aside impugned advertisement No.DRA/ 0522/PRA KRA-06/2022/advertisement dated 14.02.2022 and corrigendum DRA-0522/PRA KRA-88/2022/Advertisement dated 11.05.2022 and corrigendum, DRA-0521/PRA KRA-196/2023/Advertisement dated 05.10.2023 may kindly quashed and set aside and new advertisement in view of category wise reservation roster be directed to publish.”

(Reproduced ad-vertbatim from p.b.page 8 of O.A.)

3. Perusal of the O.A. reveals that the applicant is not claiming any relief for himself. On the issue

when I made a specific query with the learned Counsel for the applicant whether the applicant has applied for any of the posts advertised in the advertisements to which the applicant has referred to in this O.A., learned Counsel informed that the applicant has not applied and would not apply for any such post and he has filed the present O.A. in the common interest of the candidates belonging to reserved class.

4. There may be substance in the contentions raised in the O.A. and there appears laudable object behind filing the present O.A. by the applicant, however, under the provisions of Administrative Tribunals Act, 1985 there are certain limitations for entertaining and adjudicating the O.A. Under this Act the application filed by aggrieved person can only be entertained by the Tribunal. The applicant is certainly not an aggrieved person. Applicant has approached this Tribunal with the present O.A. which is in the form of Public Interest Litigation (PIL). Law is well settled that PIL is not maintainable in service matters.

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5. In the circumstances, following order is passed:

ORDER

The O.A. is rejected without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.20/2024
(Dr. Chandrakant S. Avhad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri H.P.Jadhav, learned Counsel for applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Heard Shri H.P.Jadhav, learned Counsel for the applicant. Applicant has filed the present O.A. seeking quashment of communication dated 27-12-2023 issued by respondent no.2 and also sought further direction against the respondents to enlist his name in the list dated 27-12-2023 recommended for appointment from NT(D) category.

3. Communication dated 27-12-2023 is based on the interim order passed by this Tribunal in O.A.No.1022/2023. Said O.A.No.1022/2023 is also on today's board. In the said matter, this Tribunal has directed respondents not to fill in the seat reserved for NT(D) candidate till filing of the reply by the respondents in the said O.A.

4. It is the contention of the applicant in the present O.A. that because of the said interim order

the applicant is deprived from getting appointment against the seat reserved for NT(D) category. In the circumstances, applicant has prayed for an interim relief to stay the appointments of the candidates in the list appended with communication dated 27-12-2023.

5. After having considered the submissions made by the learned Counsel for the applicant and after having gone through the documents placed on record, it appears to me that grant of any such relief prayed by the applicant by way of interim relief may amount to impliedly vacate the interim order passed in O.A.No.1022/2023 without hearing the parties in the said proceeding. I am, therefore, not inclined to accede to the request made by the applicant for grant of interim relief in the matter. As such, the following order is passed:

ORDER

- [i] **Request for interim relief is rejected.** Issue notice to respondents, returnable on 20-02-2024.
- [ii] Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

[iii] 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.

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

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

[vi] S.O. to 20-02-2024.

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

VICE CHAIRMAN

**M.A.NO.15/2024 WITH M.A.ST.NO.33/2024 IN
O.A.NO.1022/2023**

**(Dr. Chandrakant S. Avhad in M.As./ Dr. Yogendra G. Yeotikar in
O.A. Vs. State of Maharashtra & Ors.)**

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

(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri H.P.Jadhav, learned Counsel for applicant
in M.A.No.15/24 & M.A.St.No.33/24, Shri Swaraj
Tandale, learned Counsel holding for Shri
B.R.Kedar, learned Counsel for the applicant in
O.A.No.1022/23 and Shri M.S.Mahajan, learned
Chief Presenting Officer for the respondent
authorities.

2. At the request of learned CP.O. for filing
affidavit in reply S.O. to 20-02-2024.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

M.A.NO.21/2024 IN O.A.ST.NO.92/2024
(Vinod U. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Heard Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Since the case is filed by the applicants with similar cause and seeking similar relief, to avoid multiplicity of litigation M.A. for sue jointly is allowed and disposed of accordingly.

3. O.A. be registered and numbered as per rules, after removal of office objections, if any.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

O.A.ST.NO.92/2024

(Vinod U. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Heard Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. After registration of O.A., issue notices to respondents, returnable on 20-03-2024.

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.

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. Applicants are directed to file affidavit of compliance and notice.

8. S.O. to 20-03-2024.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.815/2021
(Ganesh M. Marathe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri Jitendra V. Patil, 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 has filed affidavit in rejoinder. It is taken on record. Copy thereof is given to the learned P.O.

3. S.O. to 24-01-2024.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.1019/2022
(Indrakant H. Shendurkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

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

2. Despite availing due opportunities, reply has not been filed by the respondents.

3. Hence, list the matter for hearing without reply of the respondents 11-03-2024.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

M.A.NO.100/2020 IN O.A.NO.236/2018
(Krushnalal R. Shirshi Gule Vs. State of Maharashtra & Ors.)

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Heard Shri M.R.Wagh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. Applicant has filed the present O.A. seeking following relief:

“C. To direct the Respondent Authority take the examination of all the candidates as per the advertisement dated 05.07.2017 and after that the selection process may be initiated and for that purpose issue necessary order.

D. To quash and set aside the impugned order dated 05.04.2018 issued by Additional Director General of Police, Maharashtra State, Mumbai bearing outward No.29/2018/135.”

(Reproduced ad-vertbatim from p.b.page 11 of O.A.)

3. Learned Counsel for the applicant submits that in the affidavit in reply filed on behalf of respondents, it is categorically stated that now no written examinations and interview would be taken

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M.A.100/20 IN O.A.236/18

of any candidate. Applicant has now come out with the application seeking amendment in the O.A.

4. After having gone through the contents of the M.A. it is apparent that total new case is sought to be made out by the applicants, which is not there in the O.A. Such a prayer cannot be granted by way of amendment. In such circumstances, amendment application stands rejected. M.A.No.100/2020 stands rejected and disposed. No costs.

5. O.A. to come up for hearing on 06-02-2024.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

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

(This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 16-02-2024.

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

5. 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.

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. Applicants are directed to file affidavit of compliance and notice.

8. S.O. to 16-02-2024.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1051/2023
(Dr. Prakash M. Shivnikar Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. Arguments are heard. Reserved for order.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.752/2022
(Manisha C. Panchal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri P.H.Sukale, learned Counsel holding for
Shri A.B.Chalak, learned Counsel for the applicant
and Shri M.P.Gude, learned Presenting Officer for
the respondent authorities, are present.

2. S.O. to 06-02-2024. The interim relief
granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.77/2021
(V.H.Mahindrakar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

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

2. S.O. to 07-02-2024. The interim relief
granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.28/2023
(Vijay Sarole Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Ku. Anagha Pandit, learned Counsel holding
for Shri S.B.Talekar, learned Counsel for the
applicant and Smt. Deepali Deshpande, learned
Presenting Officer for the respondent authorities, are
present. Shri K.F.Shingare, learned Counsel for
respondent no.4 is **absent**.

2. S.O. to 07-02-2024. The interim relief
granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.17/2023
(Sandeep S. Kshire Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned Counsel holding for Shri J.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 05-02-2024. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.874/2022
(Dr. Vinod Khedkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri S.P.Dhoble, learned Counsel holding for
Shri S.P.Urgunde, learned Counsel for the
applicants and Shri M.S.Mahajan, learned Chief
Presenting Officer for the respondent authorities, are
present.

2. S.O. to 30-02-2024. The interim relief
granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.892/2018
(Dhananjay Chandodkar & Ors. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.901/2018
(Bhagwat Somase Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri A.V.Thombre, learned Counsel holding for
Shri S.S.Thombre, learned Counsel for the
applicants and Smt. Deepali Deshpande, learned
Presenting Officer for the respondent authorities, are
present.

2. S.O. to 06-02-2024. The interim relief
granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO.411/2023
(Sandip D. Wayal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This case is placed before Single Bench due
to non-availability of Division Bench)

DATE : 17.01.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicants, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present. Shri G.N.Landge, learned Counsel for respondent no.3 is **absent**.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 and 2. It is taken on record. Copy thereof has been supplied to the learned Counsel for the applicant.

3. S.O. to 04-03-2024.

VICE CHAIRMAN

**ORIGINAL APPLICATION ST. NO. 973 OF 2022
(Rama B. Waghmare & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri H.V. Patil, learned counsel for the applicants, is **absent**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. The office objections are yet not removed.

3. List the matter only after removal of office objection.

MEMBER (J)

**M.A.ST.NO. 2405/2023 IN M.A.ST.NO. 2404/2023 IN
O.A.ST.NO. 2406/2023
(Popat S. Pote & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri A.G. Ambetkar, learned counsel for the applicants, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicants even the circulation is taken with office objection.

3. List the matter only after removal of office objection.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**M.A.NO. 10 OF 2024 IN O.A.ST.NO. 2341 OF 2023
(Harichandra Namdeo Sapkal Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Heard Smt. Vijay Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A. seeking condonation of delay, returnable on 12.03.2024.

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.

//2// M.A. 10/2024 in
O.A.St. 2341/2023

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 12.03.2024.

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

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**M.A.NO. 22 OF 2024 IN O.A.ST.NO. 75 OF 2024
(Dipak N. Dongare & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicants are working as part time Sweepers since 1994 with respondent No.4 and by filing the accompanying Original Application, they are seeking revision of the wages and consequential arrears.

3. It thus appears that the applicants are from the same department working with the respondent No.4 and seeking the same relief with identical issues.

4. In view of same and for the reasons stated in the application, the application is allowed in terms of prayer clause 'a' and the applicants are permitted to sue jointly in the accompanying Original Application filed by them.

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. 75 OF 2024
(Dipak N. Dongare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 12.03.2024.

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. 75/2024

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 12.03.2024.

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

MEMBER (J)

ORAL ORDER 17.01.2024 sas

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

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

DATE : 17.01.2024

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 01.02.2024.

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.

//2// O.A. 55/2024

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 01.02.2024.

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

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 56 OF 2024
(Sandeep S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Heard Shri J.M. Murkute, 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 01.02.2024.

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.

//2// O.A. 56/2024

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 01.02.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 57 OF 2024
(Gulab J. Taywade Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 01.02.2024.

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.

//2// O.A. 57/2024

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 01.02.2024.

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

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**ORIGINAL APPLICATION NO. 214 OF 2022
(Balasaheb Asaram Awdhut Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions submits that as per the fresh seniority list published by the department with regard to the compassionate appointment, the applicant is placed at Sr. No. 1 and in view of same, the applicant do not want to proceed further with the present Original Application and seeks leave to withdraw the same.

3. In view of submissions made on behalf of the applicant, leave granted to withdraw the present O.A.

4. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2021
(Indirakant N. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. This is a part heard matter.
3. S.O. to 24.01.2024 for further hearing.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 441 OF 2021
(Shriram S. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 330 OF 2023
(Sanjay P. Satale Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, 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 applicant is not willing to file affidavit in rejoinder.

3. List the matter for admission hearing on 11.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 669 OF 2023
(Manojkumar A. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 02.02.2024 for filing affidavit in rejoinder/ for hearing.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 964 OF 2022
(Vijaykumar M. Nawale Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for respondent No. 5, are present.

2. Learned counsel for the applicant on instructions submits that the respondent Nos. 3 & 4 as on today are the retired employees and as such, they may be deleted from the array of respondents.

3. Leave granted.

4. The applicant to delete the name of respondent Nos. 3 & 4 forthwith.

5. Learned Presenting Officer for the respondent Nos. 1 & 2 and learned counsel for respondent No.5 seek time to file affidavit in reply. Time granted.

6. S.O. to 12.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 293 OF 2023
(Syed Saleem Syed Yakub Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 26.02.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1025 OF 2023
(Sangita B. Lonari Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri N.N. Bhagwat, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.R. Wani, learned counsel holding for Shri G.V. Wani, learned counsel for respondent No.4, are present.

2. Learned P.O. for the respondent Nos. 1 to 3 and learned counsel for respondent No.4 seek time to file affidavit in reply on behalf of said respondents. Time granted.

3. S.O. to 22.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2023
(Umesh R. Kavle Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri K.B. Jadhav, 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 P.O., S.O. to 01.02.2024 as a last chance for taking instructions.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 618 OF 2023
(Kishor A. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

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. At the request of learned P.O., S.O. to 01.02.2024 as a last chance for taking instructions.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 1033 OF 2023
(Avinash K. Tapkire Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, 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 affidavit in reply on behalf of respondent No.3 along with spare copy for the applicant. The same is taken on record.

3. Learned P.O. seeks time to take instructions whether the other respondents want to adopt the same reply or want to file separate reply. Time granted.

4. S.O. to 03.03.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1052 OF 2023
(Shrimant A. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri M.A. Kulkarni, learned counsel for the applicant, is **absent**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent Nos. 2 & 3 along with spare copy for the applicant. The same is taken on record.

3. Learned P.O. submits that the respondent No.1 is adopting the affidavit in reply filed by respondent Nos. 2 & 3.

4. Pleadings are completed. List the matter for admission hearing on 07.03.2024. In the meanwhile it would be open for the applicant to file affidavit in rejoinder, if so desires.

MEMBER (J)

ORIGINAL APPLICATION NO. 1106 OF 2023
(Motiram T. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri Sachin P. Patil, 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 seeks time to file affidavit in rejoinder. Time granted.

3. S.O. to 31.01.2024.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

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

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

DATE : 17.01.2024

ORAL ORDER :

Shri Rahul S. Pawar, learned counsel for the applicant, Shri N.U. Yadav learned Presenting Officer for the respondent authorities and Shri P.B. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for respondent No.5, are present.

2. Learned P.O. for respondent Nos. 1 to 4 and learned counsel for respondent No.5 seek time to file affidavit in reply. Time granted as a last chance.

3. S.O. to 02.02.2024.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**M.A.NO. 461 OF 2023 IN O.A.ST.NO. 58 OF 2023
(Iqbal A. Jangi Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri P.G. Rodge, learned counsel holding for Shri K.P. Rodge, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 4 in the application seeking condonation of delay. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant.

3. List the matter for hearing on 13.02.2024. The applicant is at liberty to file affidavit in rejoinder, if any.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 760 OF 2022
(Hitesh S. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

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.4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 04.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**ORIGINAL APPLICATION NO. 512 OF 2021
(Usha A. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. The present matter is already part heard.
3. Learned Presenting Officer seeks time to comply with the earlier direction given by this Tribunal. Time granted.
4. S.O. to 24.01.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 103 OF 2022
(Tushar V. Veldandi Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri S.B. Kakde, learned counsel for the applicant has filed a **leave note**. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. The present matter is already part heard.

3. In view of leave note of learned counsel for the applicant, S.O. to 01.02.2024 for further hearing.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

ORIGINAL APPLICATION NO. 396 OF 2023
(Madhavi S. Harne (Kale) Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri Shrikishan S. Shinde, learned counsel for the applicant, is **absent**. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. The present matter is already part heard.
3. Learned P.O. submits that the record is now received today. However, learned counsel for the applicant is absent.
4. Learned P.O. is directed to keep the record with him till the hearing is completed.
5. S.O. to 02.02.2024 for further hearing.

MEMBER (J)

Later On:-

6. Shri Shrikishan S. Shinde, learned counsel for the applicant is present and requested for short adjournment.

7. At the request of learned counsel for the applicant, S.O. to 29.01.2024 for further hearing.

MEMBER (J)

**M.A.NO. 214 OF 2022 WITH M.A.NO. 148 OF 2021 IN
O.A.ST.NO. 481 OF 2021
(Anita P. Gitey Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri S.B. Shirsath, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 12.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**M.A.NO. 283 OF 2022 IN O.A.ST.NO. 265 OF 2022
(Gulab Harimal Imale Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that by filing the accompanying Original Application the applicant is seeking 2nd benefit of Assured Career Progression Scheme w.e.f. 16.02.2015 with all consequential monetary benefits.

3. Learned counsel for the applicant submits that in the year 2005 the applicant got 1st benefit of the said scheme and his entitled for the 2nd benefit was due on 16.02.2015.

4. Learned counsel for the applicant submits that even though the applicant has submitted the representation even after retirement, the respondent No. 3 has finally decided the said issue by impugned order dated 05.02.2021. Learned counsel submits that there is no delay as such from the date of impugned order. However, even if the delay is counted from the date of 2nd entitlement of the said

//2// M.A. 283/2022 in
O.A.St. 265/2022

scheme, the respondents have decided the representation of the applicant in the year 2021 for the first time. In view of same, there is no inaction on the part of the applicant. There is no intentional and deliberate delay in filing the Original Application. The application thus deserves to be allowed and the delay caused in filing the accompanying O.A. may be condoned.

5. Learned P.O. has strongly resisted the application on the ground that the G.R. dated 02.03.2029 cannot be applied retrospectively and as such as per the previous G.R., the applicant was entitled for 2nd benefit of the said scheme only in the year 2017. However, he came to be retired in the year 2017. Learned P.O. submits that there is no satisfactory explanation on the delay and as such, the application is liable to be rejected.

6. On careful perusal of the annexures and averments made in the application it appears that though the applicant was entitled for the 2nd benefit under the said scheme in the year 2015 or 2017 as the case may be, for the first time on 05.02.2021 the respondent No.3 has taken the decision on the

//3// M.A. 283/2022 in
O.A.St. 265/2022

representation of the applicant. The applicant even before his retirement of the year 2017 and thereafter i.e. on 25.01.2021 & 27.01.2021 has approached to the respondents for grant of the 2nd benefit under the said scheme. However, by order dated 05.02.2021 the decision was communicated to him as to how the applicant is not entitled for the 2nd benefit under the said scheme.

7. In view of the same, there is no inaction on the part of the applicant nor there is an intentional and deliberate delay. On the other hand it appears that there is no delay as such and from the date of impugned order dated 05.02.2021, the O.A. is filed within the stipulated period. In view of same, I am inclined to condone the delay. Hence the following order:-

ORDER

- (i) M.A. No. 283/2022 is allowed.
- (ii) The delay of 3 years, 6 months and 13 days caused in filing the accompanying O.A. is hereby condoned.

//4// M.A. 283/2022 in
O.A.St. 265/2022

- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) No order as to costs.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**ORIGINAL APPLICATION ST.NO. 265 OF 2022
(Gulab Harimal Imale Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 14.03.2024.

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. 265/2022

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 14.03.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1031 OF 2022
(Bharat B. Kadlaskar Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Part heard.

3. S.O. to 05.02.2024 for further hearing.

MEMBER (J)

ORAL ORDER 17.01.2024 sas

**M.A. St. No. 635/2022 in O.A. St.No. 536/2022
(Anna B. Holkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. The applicants are appointed as daily wagers in the Forest Department and according to them they are working under the respondent No. 4 continuously more particularly not less than 240 days in each calendar year. In terms of the policy decision taken by the Government on 31.01.1996, their services ought to have been regularized since 01.11.1994.

3. In view of above submissions, it appears that the cause of action for the applicants is same in filing the accompanying O.A., so also the relief claimed by them is also same.

4. In view of above submissions and for the reasons stated in the application, M.A. St. No. 635/2022 is allowed in terms of prayer clause 6(B), subject to payment of court fee stamps, if not paid.

5. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

**M.A. No. 284/2022 in in O.A. St. No. 536/2022
(Anna B. Holkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Learned counsel for the applicants submits that the applicants are illiterate and appointed on daily wages in the Forest Department and continuously worked in the office of respondent No. 4 not less than 240 days in each calendar year. Learned counsel submits that the similarly situated persons have been recommended for regularization pursuant to the G.R. dated 31.10.2012 w.e.f. 01.06.2012. Learned counsel submits that the delay is required to be computed for the period from the issuance of said G.R. dated 31.10.2012 and as such, there is delay in filing the accompanying O.A. of 7 years, 04 months and 22 days (2662 days) including period of pandemic which is 02 years.

3. Learned counsel for the applicants submits that the applicants are illiterate and most of them

//2// MA 284/2022 in
OA St. 536/2022

have crossed the age of 55 years. They have continuously approached the department for their regularization by making oral submissions; however, the department has not given any heed to their request. Learned counsel submits that there is no intentional or deliberate delay and the application seeking condonation of delay may be allowed.

4. Learned Presenting Officer submits that there is huge delay, for which no satisfactory explanation has been given by the applicants. Learned P.O. submits that similarly situated persons on daily wages got the said benefits vide G.R. dated 31.10.2012 in the year 2012 itself and as such, the present applicants are approached this Tribunal belatedly. There is no merit in the M.A. and the same is liable to be dismissed.

5. It appears that the applicants are daily wagers and working continuously with the respondent No. 4 for not less than 240 days in each calendar year. Prima-facie, it appears that the applicants are entitled for the benefits of regularization in terms of

//3// MA 284/2022 in
OA St. 536/2022

the G.R. dated 31.10.2012. Even though, similarly situated employees got the benefit of said G.R. in the year 2012 itself, however the applicants are illiterate persons and most of them are the senior citizen approached to the respondents and made request orally about their regularization. In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicants are required to be saddled with certain costs. Hence, the following order :-

ORDER

The Misc. Application No. 284/2022 is allowed in following terms:-

(A) The delay of 7 years, 4 months and 22 days (2662 days) caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 200/- (Two Hundred only) to each of the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

//4// MA 284/2022 in
OA St. 536/2022

(B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

KPB ORAL ORDER 17.01.2024

ORIGINAL APPLICATION ST. NO. 536 OF 2022
(Anna B. Holkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. After registration of O.A., issue notices to the respondents, returnable on 15.03.2024.

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

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

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

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

7. S.O. to 15.03.2024.

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

MEMBER (J)

**M.A. No. 287/2022 in O.A. St. No. 408/2022
(Krishna B. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri A.D. Gawale, learned counsel for the applicant (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. None present even today for the applicant. S.O. to 01.03.2024 for passing necessary order.

MEMBER (J)

KPB ORAL ORDER 17.01.2024

M.A. No. 440/2022 in O.A. No. 314/2021
(Govind A. Jadhav and ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Heard Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that the present Misc. Application seeking action against respondent No. 4 may be heard along with the O.A. and hearing of the O.A. may be completed expeditiously.

3. In view of above, the present M.A. be kept along with O.A. on 14.02.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 453 OF 2020
(Bhatu R. Mahale Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri S.B. Dhobale, learned counsel holding for Shri Vinod 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 13.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 147 OF 2021
(Ratnaprabha T. Hingade Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file rejoinder affidavit in the light of the specific averments made in the affidavit in reply filed on behalf of respondents stating therein that the wages have been paid to the applicant as per the revised rate in terms of the Notification dated 28.09.2010. Time granted.

3. Learned counsel for the applicant also seeks time to place on record the judgments of the Hon'ble Apex Court to substantiate the contention of the applicant seeking relief of regularization. Time granted.

4. S.O. to 09.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 11 OF 2022
(Sahebrao D. Wankhade Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri G.N. Kulkarni (Mardikar), learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 67 OF 2022
(Gopinath J. Dhanwade Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri Sunil Nimbalkar, learned counsel holding for Shri Amol Gandhi, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 89 OF 2022
(Bhaskar V. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri Avinash Khedkar, learned counsel holding for Shri A.M. Hajare, 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 04.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 668 OF 2022
(Kishor C. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 04.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 795 OF 2022
(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

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

2. Part heard.

3. At the request of learned counsel for the applicant, S.O. to 24.01.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 413 OF 2023
(Raosaheb S. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

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. At the request of learned counsel for the applicant, S.O. to 12.02.2024 for hearing.

MEMBER (J)

O.A. Nos. 614, 615 & 616 all of 2023
(Jija M. Londhe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicants in all these O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned counsel for the applicants, S.O. to 28.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 17.01.2024

ORIGINAL APPLICATION NO. 406 OF 2018
(Arun S. Gosavi Vs. State of Maharashtra & Ors.)

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

DATE : 17.01.2024

ORAL ORDER :

Smt. Vijaya Adkine, 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 08.02.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 137 OF 2020
(Lalit G. Pandule Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 09.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 17.01.2024

**ORIGINAL APPLICATION NO. 03 OF 2021
(Sudhir S. Pathak Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri D.K. Rajput, 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 27.03.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 17 OF 2021
(Parashram S. Khetre Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 01.02.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 152 OF 2021
(Vishnu S. Misal Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

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.

2. At the request of learned counsel for the applicant, S.O. to 28.02.2024 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 200 OF 2021
(Sudhir L. Borhade Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 4 & 5, are present.

2. By consent, S.O. to 05.03.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 113 OF 2021
(Vaijnath B. Navande Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri V.B. Dhage, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 17.01.2024

**ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 17.01.2024

ORAL ORDER :

Shri P.B. Umrani, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 14.02.2024 for hearing.

MEMBER (J)

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 : 17.01.2024

ORAL ORDER :

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

2. In compliance with the last order dated 02.01.2024, learned Presenting Officer submits original record before this Tribunal. On perusal of the said record, it appears that so far as said amount of Rs. 16,00,000/- is concerned, it is clear from the bank statement produced along with the affidavit in reply that on 20.03.2013 an amount of Rs. 8,00,000/- was credited to the account of Government Residential Women's Polytechnic, Latur and further on 23.10.2013 amounting to Rs. 8,00,000/- appears to have been credited to the said account. It thus appears that there is receipt of total amount of Rs. 16,00,000/- in two parts on different dates.

3. It appears from the report of 03 Members committee dated 16.07.2018 that Clerk-cum-Cashier Shri Bansode has stated by way of his explanation before the committee that he was not knowing as to how the

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O.A. No. 585/2022

entry of online transfer amount to be taken in the cash register. It further appears from the report of the said committee that the said amount including the disputed amount of Rs. 8,00,000/- has been spent for the particular reason pertaining to the business of the said Polytechnic, Latur.

4. It is thus difficult to understand as to how there was misappropriation of said amount of Rs. 8,00,000/-. It appears that there is an irregularity to the effect that no entry has been taken about the said amount of Rs. 8,00,000/- in the cash register.

5. In view of above, learned Presenting Officer is directed to file short affidavit of responsible person from the office of respondent No. 5 i.e. the Principal, Government Residential Women's Polytechnic, Latur explaining specifically as to for what purpose the said amount of Rs. 8,00,000/- was spent and if it is spent, whether the entry to that effect is taken in the accounts.

6. It is a part heard matter. S.O. to 02.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 376 OF 2022
(Abhilash Vilas Gore Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Shri V.T. Patil, learned counsel holding for Shri O.Y. Kashid, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 09.02.2024. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

ORIGINAL APPLICATION NO. 08 OF 2024
(Vitthal M. Kakade Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Heard Shri Amol N. Kakade, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The applicant has approached this Tribunal seeking quashment of the departmental enquiry initiated against him. In the Original Application the applicant has also prayed for interim relief thereby staying the departmental enquiry further till decision of the present Original Application.

3. It is the contention of the learned counsel for the applicant that charges which are framed in the departmental enquiry are identical with the charge on which the criminal prosecution has been initiated against the applicant. It is also contended that witnesses may be probably same in the criminal case, as well as, in the departmental enquiry. It is further contended that in fact it was the applicant who had made complaint against the person who was trying to

threaten the Government servant. In the circumstances, according to the learned counsel, the person against whom complaint was made, cannot be permitted to be witness in the departmental enquiry against the applicant.

4. Learned Presenting Officer has opposed for grant of any interim relief. It is submitted that the Government can simultaneously conduct the departmental enquiry though criminal prosecution may be pending in that regard, since the parameters for proving the charges are quite different.

5. I have duly considered the submissions made on behalf of the applicant, as well as, the respondents. I have also gone through the memorandum of charge issued to the applicant. After having gone through the memorandum of charge except charge No. 9, other charges do not seem to have any nexus with the criminal prosecution. In the circumstances, the enquiry so far other charges are concerned, cannot be restricted. Insofar as charge No. 9 is concerned, there appears some substance in the contention raised on behalf of the applicant. It is true that the charge in the criminal prosecution and charge No. 9 in the departmental enquiry are identical. In the circumstances, the

applicant cannot be compelled to disclose his defense while defending the departmental enquiry which he may take in the criminal case. That will prejudicially affect his right to defend the criminal prosecution. To that extent interim relief deserves to be granted. Hence, the following order is passed:-

ORDER

(i) Issue notice to respondents, returnable on 15.02.2024.

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

(iii) 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.

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

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

(vi) The respondents shall keep the departmental enquiry in abeyance insofar as charge No. 9 is concerned until further orders. Needless to state that insofar as other charges are concerned, the department may very well proceed with the departmental enquiry already initiated against the applicant.

(vii) S.O. to 15.02.2024.

(viii) Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

ORIGINAL APPLICATION NO. 696 OF 2023
(Yuvraj S. Pawar Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

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

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted by way of last chance till 16.2.2024.

3. S.O. to 16.2.2024.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

ORIGINAL APPLICATION NO. 697 OF 2023
(Amit Raju Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

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

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted by way of last chance till 16.2.2024.

3. S.O. to 16.2.2024.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

M.A. 40/2023 IN T.A. 21/2022 (W.P. 10068/2022)
(Balasaheb G. Borhade Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. After having gone through the subject matter i.e. prayers made in the T.A., it appears to me that the delay caused in approaching this Tribunal by the applicant will have impact on the final relief, which has been claimed in the T.A. In the circumstances, I deem it appropriate to pass the following order: -

ORDER

- (i) M.A. and the T.A. be decided simultaneously.
- (ii) Issue notice in T.A. to the respondents, returnable on 20.3.2024.
- (iii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

**:: - 2 - :: M.A. 40/2023 IN T.A. 21/2022
(W.P. 10068/2022)**

(iv) 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.

(v) 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.

(vi) 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.

(vii) S.O. to 20.03.2024.

(viii) Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

C.P.NO. 41/2023 IN O.A.NO. 712/2021
(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

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

2. When the present matter is taken up for consideration, learned Presenting Officer has tendered the communication received to the office of Chief Presenting Officer, wherein it is informed that the matter has been forwarded to the Finance Department seeking its opinion and in the circumstances two weeks' time has been sought. In the interest of justice by way of last chance time is granted till 31.01.2024.

3. S.O. to 31.01.2024.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

ORIGINAL APPLICATION NO. 343 OF 2023
(Narayan S. Annamwar Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Smt. M.A. Kulkarni, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted by way of last chance till 21.02.2024.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

**C.P. 3/2020 IN C.P. 47/2018 IN O.A. 138/2016
(Dr. Shaikh Faiz Mohd. Vs. State of Maharashtra & Ors.)**

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Shri B.P. Gonare, learned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 4, are present.

2. Despite availing due opportunities respondent No. 1 has not filed affidavit in reply. List the matter for further consideration on 16.02.2024.

3. S.O. to 16.02.2024.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

ORIGINAL APPLICATION NO. 434 OF 2023
(Madhav Shivraj Salgar Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Heard Shri Y.J. Shinde, learned counsel holding for Shri P.S. Anerao, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that respondent No. 5 has not been served because of incorrect address. In the circumstances, learned counsel seeks leave of this Tribunal to correct the address of respondent No. 5. Leave granted. The applicant shall correct the address of respondent No. 5 forthwith.

3. After making correction in address of respondent No. 5, issue notice to the said respondents, returnable on 19.03.2024.

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 19.03.2024.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1159 OF 2022
(Ravindra G. Lagdive Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Shri S.L. Bhapkar, 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 submits that the notarized affidavit in reply was forwarded by M.P.S.C. along with documents annexed thereto by Post, however, the same was not received to the office of Chief Presenting Officer and in the circumstances another affidavit along with documents which is also signed by the Under Secretary, is received and leave is sought for submitting the same on record.

3. I have gone through the documents. The Under Secretary has again put his signature on pages of the affidavit and on the documents also. It does not appear to me that there may be any difficulty in taking on record the said affidavit along with documents. Learned counsel for the applicant has not seriously objected for

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O.A. NO. 1159/2022

it. On the contrary, he was fair in submitting that he is not insisting for costs. The affidavit, as well as, documents are taken on record and copies thereof are given to the learned counsel for the applicant.

4. S.O. to 20.02.2024. In the meanwhile it would be permissible to the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

M.A.NO. 87/2023 IN O.A.NO. 259/2021
(Megharani P. Tarkase & Ors. Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 4 & 5, are present.

2. Learned counsel for the applicant seeks leave of this Tribunal to place on record the additional affidavit of the applicant in context with the communication placed on record by the respondents. Leave granted. Additional affidavit is taken on record. Copy of the same has been served on all the concerned.

3. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent Nos. 1 to 3 will be filed. If it is filed it be taken on record.

4. List the matter for further consideration on 02.02.2024.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 670 OF 2023
(Abhay Ambadas Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single
Bench due to non-availability of Division
Bench)

DATE : **17.1.2024**

ORAL ORDER :

Smt. Priyanka Deshpande, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. It appears from the record that on previous date time was granted as a last chance. In the circumstances, request cannot be considered. Hence, list the matter for hearing on 28.02.2024 without affidavit in reply of the respondents.

3. S.O. to 28.02.2024.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD

O.A. NOS. 1099 AND 1100 BOTH OF 2022, O.A. NOS. 89, 90, 91, 92, 93, 94 & 95 ALL OF 2023 AND O.A. NO. 818, 819 & 736 ALL OF 2022
(Dr. Sapna H. Tallarwar Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri P.R. Bora, Vice Chairman**
(This matter is placed before the Single Bench due to non-availability of Division Bench)

DATE : **17.1.2024**

ORAL ORDER :

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

2. Learned counsel for the applicants submitted that inadvertently in the interim order passed on 14.9.2022 in paragraph No. 3 in O.A. Nos. 93 & 94 both of 2023 instead of Group-B officers it has been transcribed as Group-D officers. The necessary correction be carried out and the corrected copy be issued to the applicants.

3. S.O. to 14.02.2024.

VICE CHAIRMAN

ORAL ORDER 17.1.2024-HDD