

M.A. NO. 357/2023 IN O.A. NO. 06/2023
(The State of Maharashtra & Ors. Vs. Pandurang G. Lomole)

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

DATE : 17.04.2024

ORAL ORDER :

Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for applicants in M.A./respondent authorities in O.A. and Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for respondent in M.A./applicant in O.A., are present.

2. Learned counsel for the applicant in O.A. seeks time to file affidavit in reply to the Misc. Application submitted by the respondents. Two weeks' time is granted.

3. S.O. to 03.05.2024. The interim relief granted earlier in O.A. to continue till then.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 17.04.2024

ORAL ORDER :

Shri Deepak D. Choudhari, learned counsel for applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Presenting Officer, S.O. to 07.05.2024 for hearing.
3. S.O. to 03.05.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 603, 604, 605, 606, 607,
608, 609 AND 780 ALL OF 2017
(Jaideep Limbale & Ors. vs. the State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for applicants in O.A. Nos. 603, 604, 605, 606, 607, 608, 609 all of 2017, Ms. Preeti Wankhade, learned counsel for the applicant in O.A. No. 780/2017 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 06.05.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 17.04.2024

ORIGINAL APPLICATION NO. 759 OF 2023
(Nilesh Madhavrao Aradle & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 685 OF 2023
(Bhagatsing Uttam Singal Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicants in both the matters, Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities in both the OAs and Shri R.A. Joshi, learned counsel for respondent Nos. 5 & 17 in O.A. No. 685/2023, are present.

2. Arguments are concluded. The matters are reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 445 OF 2024

(Savita M. Jadhav @ Savita R. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

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

2. Leave to correct the nomenclature of respondent No. 3 instead of 'Sub-Divisional Magistrate, Degloor' as 'Additional Collector, Degloor'.

3. Learned counsel for the applicant submits that though the applicant came to be selected for the post of Police Patil of village Gogla Govind Tanda, Tq. Degloor, Dist. Nanded, however, the respondent No. 4 has raised an objection that the applicant is running a fair price shop and as such, she cannot be selected for the post of Police Patil. Learned counsel submits that it is well settled that a person if appointed on the post of Police Patil, he can cultivate a land and also carry on local profession or business, which is not full time. Learned counsel submits that so far as running of fair price shop is

//2//

O.A. No. 445/2024

concerned, the same is not full time business and it is not a business at all.

4. I find much substance in the submissions made on behalf of the applicant. Even respondent No. 3 i.e. the Additional Collector, Degloor is also not clear about it and thus observed in the impugned order that running of fair price shop whether it is a business or profession is not clear from the provisions of Section 8 of the Maharashtra Gram Police Patil (Service, Salary and other Service Conditions) Orders 1968. It appears that still then, the respondent No. 3 has cancelled the selection of the applicant as Police Patil of village Gogla Govind Tanda, Tq. Degloor, Dist. Nanded.

5. Learned counsel for the applicant submits that since the selection of the applicant as Police Patil of village Gogla Govind Tanda, Tq. Degloor, Dist. Nanded has been cancelled; there is every likelihood of appointing another woman on the said post, who is on the wait list.

6. In view of above submissions, **parties are directed to maintain status quo as on today till the next date of hearing.**

7. Issue notices to the respondents, returnable on 19.06.2024.

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

9. 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.

10. 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.

11. 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.

//4//

O.A. No. 445/2024

12. S.O. to 19.06.2024.

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

MEMBER (J)

KPB ORAL ORDER 17.04.2024

ORIGINAL APPLICATION NO. 819 OF 2019
(Kalim Safdar Shiklidar Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel holding for Smt. Sabahat T. Kazi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits that as per prayer clause (1) of the present Original Application, the applicant has been paid the benefits of 6th Pay Commission difference of pay in two installments and further he has been paid regular salary as per 7th Pay Commission. Learned P.O. submits that the respondent No. 3 has already paid the benefits of difference of pay and increment to the applicant as per 6th Pay Commission and also all the benefits as per 7th Pay Commission. Thus the respondents have settled all the claims of present applicant. Learned P.O. submits that the respondent No. 3 has filed additional affidavit on 09.01.2024. Learned P.O. submits that nothing survives for further consideration in the present Original Applicant and

//2//

O.A. No. 819/2019

the applicant is also not willing to pursue this Original Application.

3. Learned counsel for the applicant seeks time to take specific instructions from the applicant in this regard. Time granted.

4. It is a part heard matter. S.O. to 02.05.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 17.04.2024

**O.A. NOS. 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894 AND 895 ALL OF 2017
(Prabhakar D. Mali & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri Mayur Sharma, learned counsel holding for Shri Mohit Deshmukh, learned counsel for the applicants in all these O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in all these O.As., are present.

Shri Vivek Deshmukh, learned counsel for the respondent No. 5 in O.A. No. 884, 888, 892 & 893 all of 2017, Shri N.K. Tungar, learned counsel for respondent No. 5 in O.A. Nos. 886 & 895 both of 2017, Shri Abhijit More, learned counsel for respondent No. 5 in O.A. No. 887/2017 and Shri B.R. Sontakke Patil, learned counsel for respondent No.5 in O.A. No. 891/2017, are **absent**.

2. At the request of learned counsel for the applicants, S.O. to 26.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 345 OF 2023
(Uttam G. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant, Shri D.M. Hange learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for respondent Nos. 2 and 3 on instructions in writing submits that all the admissible pensionary benefits have been released in favour of the applicant and nothing survives for further consideration in the present Original Application. Learned counsel has placed on record communication dated 02.04.2024. Same is taken on record and marked as document 'X' for identification.

3. Learned counsel for the applicant seeks time to take specific instructions in this regard. Time granted.

4. S.O. to 24.04.2024.

MEMBER (J)

M.A. No. 508/2022 in O.A. St. No. 1894/2022
(Eknath G. Myskar Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 10.05.2024.

MEMBER (J)

KPB ORAL ORDER 17.04.2024

M.A. No. 510/2022 in O.A. St. No. 571/2022
(Ashok G. Jondhale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri H.V. Patil, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Pleadings completed. List the matter for hearing on 10.05.2024.

MEMBER (J)

KPB ORAL ORDER 17.04.2024

ORIGINAL APPLICATION NO. 302 OF 2024
(Seema V. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri S.P. Koli, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Learned counsel Shri V.B. Narke submits that he has instructions to appear for respondent No. 4 and thus seeks time to file affidavit in reply.

3. S.O. to 09.05.2024 for filing affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 262 OF 2021
(Kamalakar P. Mahale Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.06.2024 for final hearing.

MEMBER (J)

Review No. 02/2024 in O.A. No. 986/2023
(Mahendra B. Takpire Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. This is Review Application filed by the applicant in O.A. No. 986/2023 on the sole ground that the O.A. came to be disposed of by directing the respondent No. 2 to decide the representation submitted by the applicant on 13.10.2023 within a period of eight weeks from the date of order on its own merits. However, by order dated 06.03.2024, the respondent No. 2 has already decided the said representation. On this ground, the present Review Application cannot be entertained.

3. However, the applicant is at liberty to challenge the said order dated 06.03.2024 by filing the Original Application afresh. Thus, the present Review Application is accordingly disposed of. No order as to costs.

MEMBER (J)

M.A. No. 157/2024 in O.A. St. No. 906/2024
(Lakhan K. Mukade Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri G.J. Karne, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 21.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 21.06.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 423 OF 2024
(Achyut G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 21.06.2024.

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

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

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

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O.A. No. 423/2024

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. Learned CPO has assured this Tribunal that meanwhile he will take instructions from the concerned respondent/s as to why the provisional pension has not been released in favour of the applicant.

8. S.O. to 21.06.2024.

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

MEMBER (J)

KPB ORAL ORDER 17.04.2024

ORIGINAL APPLICATION NO. 431 OF 2024
(Vitthal K. Bhusare Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer is directed to take specific instructions from the concerned respondent/s.

3. S.O. to 30.04.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 438 OF 2024
(Shripad A. Rakshe Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks time to comply with the office objections. Time granted.

3. S.O. to 24.04.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 444 OF 2024
(Sanjay R. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

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

2. It appears that the respondent No. 3 has also filed Original Application bearing O.A. No. 353/2024 before this Tribunal and the applicant and said respondent No. 3 have been transferred to the post each other. By order dated 02.04.2024, this Tribunal entertained the O.A. filed by respondent No. 3 and directed to maintain status-quo. In view of the same, so far as the impugned order dated 23.02.2024 is concerned, no effect can be given to it to the extent of the applicant and respondent No. 3 and as long as status-quo is already operating in favour of respondent No. 3 in the aforesaid O.A.

3. In view of the same, since the applicant has now been relieved by the respondent authorities, it is necessary to direct the parties to maintain status quo till the next date of hearing.

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O.A. No. 444/2024

4. Learned counsel Shri V.B. Wagh waives notice for respondent No. 3.

5. Issue notices to the respondent Nos. 1 & 2, returnable on 24.04.2024. **The parties are directed to maintain status quo as on today till the next date of hearing.**

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

7. 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.

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

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O.A. No. 444/2024

9. 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.

10. S.O. to 24.04.2024.

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

MEMBER (J)

KPB ORAL ORDER 17.04.2024

ORIGINAL APPLICATION ST. NO. 859 OF 2024
(Mahesh C. Mukadam Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 24.04.2024.

MEMBER (J)

KPB ORAL ORDER 17.04.2024

ORIGINAL APPLICATION ST. NO. 909 OF 2024
(Shivaji V. Aghav Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri Avinash Khedkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant was working as Chief Drug Manufacturing Officer, which is Class-III post under the Public Health Department and while holding the said post, the applicant came to be retired on 30.01.2018 by attaining the age of superannuation. Learned counsel submits that after retirement of the applicant, the department has noticed that certain excess payment has been made to the applicant due to wrong pay fixation and as such, by order dated 06.12.2018 certain amount came to be recovered from the retiral benefits of the applicant. The Government has issued G.R. dated 26.02.2019 and mandates that the recovery from Class-III and Class-IV retired Government employees is not permissible.

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O.A. St. 909/2024

Consequently, the applicant has submitted his first representation on 24.04.2019 for refund of the said amount; however the department has not considered it. Thereafter time and again the applicant has submitted representations for refund of the said amount by giving reference to the aforesaid G.R. issued by the Government. However, by communication dated 26.02.2024, the respondent No. 2 has directed respondent No. 3 i.e. Medical Officer Class-1, Rural Hospital Chichondi Patil, Tq. Nagar, Dist. Ahmednagar to take appropriate decision in respect of the representations submitted by the applicant for refund of the amount.

3. In view of above, I agree with the submissions made on behalf of the applicant that there is no delay as such. In view of the same, the objection raised by the office stands overruled.

4. Issue notices to the respondents, returnable on 19.06.2024.

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

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O.A. St. 909/2024

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

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

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

9. S.O. to 19.06.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 165 OF 2020
(Babu D. Ghute Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent No. 2.

2. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 514 OF 2021
(Gautam G. Dhule Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 02.05.2024 for filing written notes of arguments.

MEMBER (J)

M.A.NO.264/2023 IN O.A.ST.NO.817/2023
(Sachin G. Gavali Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

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

2. Learned P.O. submitted affidavit in reply on behalf of respondent no.2 in M.A. Same is taken on record. Copy thereof is given to the learned Counsel for the applicant.

3. S.O. to 20-06-2024.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

M.A.NO.67/2024 IN O.A.NO.72/2020
(Sheshrao D. Totwad Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri A.D.Gadekar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. By filing the present M.A. the applicant is seeking amendment in the O.A. O.A. was filed with a prayer seeking direction against respondent no.1 to decide his appeal. During the pendency of the present O.A. said appeal has been decided by the State authorities stating that the appeal so filed is not maintainable. Applicant is now intending to challenge the said order and in the circumstances amendment to that effect is sought by him.

3. Learned P.O. has submitted for passing appropriate orders.

4. Having considered the submissions, and more particularly, having regard to the fact the prayer which is sought to be made by way of amendment is

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M.A.NO.67/2024 IN O.A.NO.72/2020

in consonance with the O.A., we are inclined to allow the present application. M.A. is allowed.

5. Necessary amendment be carried out within two weeks. List the matter for filing affidavit in reply by the respondents after amendment is carried out.

6. S.O. to 25-06-2024.

MEMBER (A)

YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.77/2021

(Vishvanath H. Mahindrakar & 5 Ors. Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 17.04.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Not on board. Taken on board. Learned Counsel on instructions seeks leave to withdraw the present O.A. Learned Counsel submitted that purpose of filing the O.A. is served as the applicants have been confirmed in the cadre of Senior Clerk. Their written purshis is also placed on record. In view of submissions so made following order is passed:

ORDER

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

MEMBER (A)

VICE CHAIRMAN

M.A.ST.NO.363/2024 IN O.A.ST.NO.364/2024
(Nitin G. Gadekar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri C.V.Dharurkar, learned Counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. The office has raised objection as about the territorial jurisdiction in so far as the applicant nos.3 to 6 and 13 are concerned. Admittedly, they are residing outside the jurisdiction of this Tribunal. Learned Counsel submits that he is not pressing the present application on their behalf and in the meanwhile he will endeavor to seek the orders from the Principal Bench and if favorable order is passed, he will move the matter again so far as those applicants are concerned and for the time being he will continue this matter in so far as the applicants who are residing within the jurisdiction of this Tribunal.

=2= M.A.ST.NO.363/2024 IN O.A.ST.NO.364/2024

3. Learned Counsel submitted that, these applicants had applied in pursuance of the advertisement issued on the basis of the recruitment rules which were then in existence. Before one day of the written examination in the said recruitment process, amended recruitment rules of 2021 were brought and made applicable. Learned Counsel submitted that the said advertisement was issued for filling the posts of Tutors also and in one matter which was brought before this Tribunal in O.A.No.208/2021 a statement was made on behalf of the Government that the recruitment rules published by the Government vide notification dated 27-01-2021 shall not be made applicable to the recruitment process which has been initiated pursuant to advertisement dated 21-02-2019. In view of the statement so made, learned Counsel has sought interim relief thereby seeking stay to the effect and operation of the communications dated 12-01-2024 and 23-10-2023 which are at Annexure A-6 and A-8, respectively.

4. Learned P.O. has opposed for grant of any such interim relief stating that nothing has been yet

=3= M.A.ST.NO.363/2024 IN O.A.ST.NO.364/2024

communicated to the applicants and cause of action has not yet arisen even for approaching this Tribunal.

5. We have gone through the said documents at Annexure A-6 and A-8. These documents pertain to internal correspondence of two officers of the Government. It appears that, yet nothing has been communicated to the applicant. In the circumstances, we find substance in the submissions made by the learned P.O. At this juncture we are not inclined to pass any interim order. In future if any contingency arises, it will be open for the applicant to move the application seeking interim relief. Hence, the following order:

ORDER

- [i] Issue notice to respondents, returnable on 21-06-2024.
- [ii] Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- [iii] Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

=4= M.A.ST.NO.363/2024 IN O.A.ST.NO.364/2024

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

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

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

[vi] S.O. to 21-06-2024.

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

MEMBER (A)

YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.439/2024
(Dinesh J. Khonde Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities and Shri Abhijit Namde, learned Counsel holding for Shri R.M.Bhangde, learned Counsel for respondent no.2, are present.

2. On request of learned Counsel for respondent no.2, S.O. to 24-04-2024.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.447/2024
(Govind S. Bhosle Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri Harish S. Bali, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Remove from board.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.897/2024
(Bhaskar B. Badgajar Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri D.T.Devane, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Remove from board.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1037/2022
(Vijaysing K. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

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

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

3. S.O. to 14-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.663/2023
(Nitinchandra K. Mandale Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri Hemant Surve, learned Counsel for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. Learned Counsel for the applicant is absent. This matter be deleted from the list of Part Heard matters and be kept for hearing on 25-06-2024.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

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

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

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

DATE : 17.04.2024

ORAL ORDER :

O.A.NO.818/21

Shri S.D.Joshi, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities, Shri Ajit Kadethankar, learned Counsel for respondent no.6, Shri Amol T. Jagtap, learned Counsel for respondent no.9, Shri Akshay H. Joshi, learned Counsel for respondent no.7 and Shri S.G.Kulkarni, learned Counsel for respondent no.8, are present.

O.A.NO.16/22

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

2. When the present matters are taken up for consideration, it is brought to our notice that same G.R. dated 22-10-2016 which is under challenge in these matters is also under challenge before the Hon'ble Bombay High Court Bench at Nagpur in Writ Petition

=2=

O.A.818/21 & 16/22

No.3510/2022. Learned Counsel Shri S.D.Joshi for applicant in O.A.No.818/2021 has placed on record copy of the order passed on 18-03-2024 which indicates that matter is likely to be heard within few days since last chance has been granted by the Hon'ble High Court. We, therefore, deem it appropriate to adjourn the matter.

3. S.O. to 10-05-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

C.P.NO.57/2023 IN O.A.NO.317/2023
(Triyambak Mehatre Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

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

2. When the present contempt petition is taken up for consideration, learned P.O. submitted sur-rejoinder of respondent no.2. Same is taken on record. In O.A.No.317/2023 following order was passed by this Tribunal:

“Heard Shri H.A. Joshi, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

2. In the present matter notice has been served upon the respondents but the affidavit in reply is not yet received. The learned Presenting Officer sought time to file the affidavit in reply. It is, however, the contention of the learned counsel that the present Original Application can be disposed of with the directions to the respondents to consider the representation on its own merit submitted by the applicant on 23.2.2023. It is

the contention of the applicant that his wife is in service of Zilla Parishad and is posted at Nanded and the applicant is presently working at Osmanabad. The distance between Nanded and Osmanabad is about 300 KMs. The applicant himself is heart patient. In the circumstances the applicant has made a representation to the respondents on 23.2.2023.

3. Though there appears prima-facie substance in the submissions so made on behalf of the applicant, it is the prerogative of the Government to effect the transfers of their employees considering the vacancy position, administrative exigencies etc. The learned counsel pointed out that presently the process of effecting general annual transfers is in progress and this is the only opportune time for considering the application of the applicant.

4. In view of the submissions so made without going into merits of the contentions raised in the Original Application I deem it appropriate to dispose of the present application with the direction to the respondents to consider the representation dated 23.2.2023 submitted by the applicant on its own merit and take the appropriate decision thereon during the process of annual general transfers of the current year.”

3. After having gone through the documents placed on record, it appears that as directed by this Tribunal the respondents have considered the representation of the applicant but the same is

=3= C.P.NO.57/2023 IN O.A.NO.317/2023

unfavorable to the applicant. Though learned Counsel for the applicant has pointed out several instances wherein apparent discrimination appears to have been done, scope of the contempt petition cannot be enlarged and those issues cannot be discussed in the contempt petition.

4. Considering the scope of the contempt petition, it does not appear to us that in view of the material which has been brought on record, present petition is required to be proceeded any further. Hence, the following order:

ORDER

Contempt Petition stands disposed of. No costs.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

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

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

DATE : 17.04.2024

ORAL ORDER :

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

2. S.O. to 06-05-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.147/2024
(Amit S. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.2. It is taken on record. Copy thereof be supplied to the other side.

3. S.O. to 03-05-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 17.04.2024

VICE CHAIRMAN

**O.A. NOS. 319, 320, 321, 322, 323, 340, 341 &
342 ALL OF 2024
(Shital S. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants in all these O.As. and Shri M.B. Bharaswadkar, learned Chief Presenting Officer & Shri D.M. Hange, learned Presenting Officer for the respective respondents in respective O.As., are present.

2. Learned counsel for the applicants seeks short time for filing affidavit in rejoinder in all these O.A. Time granted.

3. S.O. to 25.04.2024. Status quo granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

**ORIGINAL APPLICATION NO. 261 OF 2024
(Gajanan F. Ingale Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri M.S. Mahajan, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 19.04.2024 as a last chance for hearing in **urgent admission category**.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

ORIGINAL APPLICATION NO. 335 OF 2024
(Geeta M. Bagawade Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri P.M. Nagargoje, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. seeks short adjournment in view of the communication received from Commissioner of Police, Ch. Sambhajinagar dated 17.04.2024. The said communication is placed on record.

3. S.O. to 19.04.2024 as a last chance for hearing in **urgent admission category**.

MEMBER (J)

**M.A.NO. 292 OF 2022 IN O.A.ST.NO. 1116 OF 2022
(Shaikh Imran Shaikh Ahmed Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that in the year 1996, the father of the applicant who was working as a Tolkar with the office of respondent Nos. 2 & 3 had passed away during his service tenure. Consequently, on 12.03.1998, the mother of the applicant had filed an application for appointment on compassionate ground and accordingly, her name was included in the list of candidates awaiting an appointment on compassionate ground. On 18.08.2008, on completion of 40 years of age, the name of applicant's mother came to be deleted from the said list and it was communicated to the applicant's mother accordingly. However, on 06.12.2010, the age limit came to be extended by the Government

//2// M.A. 292/2022 in
O.A.St. 1116/2022

from 40 years 45 years. However, on 30.04.2012, the mother of the applicant expired. On 06.03.2013 the applicant had filed an application for appointment on compassionate ground in place of his father. By order dated 25.03.2013, the respondent No.2 has rejected the said application for the reason that there is no provision for substitution. Learned counsel for the applicant submits that on 23.11.2015, the Maharashtra Mehtar (Bhangi) Safai Kamgar Sanghatana filed an application/representation to the respondent authorities. However, by order dated 03.12.2015, the said application/representation came to be rejected by the respondent No.2. The said Sanghatana had again filed an application/representation on 29.01.2016, which came to be rejected on 17.02.2016. The said Sanghatana by filing request application dated 26.10.2017 prayed before the authority to consider the claim of the applicant. By order dated 07.12.2017, the said application came to be rejected on the ground that there is no provision to substitute the name of legal heirs in the list of

//3// M.A. 292/2022 in
O.A.St. 1116/2022

candidates seeking an appointment on
compassionate ground.

3. Learned counsel for the applicant submits that by way of filing the Original Application the applicant has challenged both the orders dated 25.03.2013 and 07.12.2017 for which the delay has occurred. Learned counsel for the applicant submits that so far as the order dated 07.12.2017 is concerned, the applicant came to know about the said order only in the month of March, 2020 and it was never communicated to him in writing by the department.

4. Learned counsel for the applicant submits that thereafter due to outbreak of Covid-19 pandemic and consequential declaration of lockdown across the State of Maharashtra and extension of the lockdown period from time to time, the applicant could not approach this Tribunal. Learned counsel for the applicant submits that even the Hon'ble Supreme Court of India in **Suo Motu Writ Petition (C) No. 3 of 2020** has considered the outbreak of the pandemic Covid-19 and further lockdown

//4// M.A. 292/2022 in
O.A.St. 1116/2022

announced in the Country and extension of the lockdown period continued upto the year 2021 and thus directed that the delay if any caused in approaching the Courts/Tribunals or any other forum required to be considered from the date as specified in the said order.

5. Learned counsel for the applicant submits that there is no intentional delay and there is no inaction on the part of the applicant. The applicant is still unemployed and the applicant is the only son.

6. Learned Presenting Officer for the respondents has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that at least the applicant should have explained the delay by tending satisfactory reason for the delay from the order dated 07.12.2017 till filing of the Original Application. However, the applicant has failed to explain the said delay caused in approaching this Tribunal.

7. Though there is an inordinate delay in filing the Original Application, however, it appears that

//5// M.A. 292/2022 in
O.A.St. 1116/2022

right from 2013 when the applicant has filed an application for appointment on compassionate ground in place of his father, the applicant is struggling for his cause. Even the Maharashtra Mehtar (Bhangi) Safai Kamgar Sanghatana came to his aid and filed several representations before the authorities concerned. Even though the name of the applicant's mother was taken in waiting list for compassionate appointment she held to be age barred and even though subsequently the age limit for appointment on compassionate ground came to be extended from 40 years to 45 years, unfortunately the mother of the applicant passed away on 30.04.2012.

8. The applicant has come with the specific case in the M.A. that so far as the last order dated 07.12.2017 is concerned, it was not communicated to him by the department and he came to know about this order in the month of March, 2020 only. It appears that due to the outbreak of the pandemic Covid-19 in the month of March, 2020 and onwards, the applicant could not approach the Tribunal by filing the Original Application within prescribed

//6// M.A. 292/2022 in
O.A.St. 1116/2022

period. The Hon'ble Supreme Court of India in **Suo Motu Writ Petition (C) No. 3 of 2020** has considered the outbreak of the pandemic Covid-19 and further lockdown announced in the Country and extension of the lockdown period continued upto the year 2021 and thus directed that the delay if any caused in approaching the Courts/Tribunals or any other forum required to be considered from the date as specified in the said order.

9. Thus considering the entire facts of the case, I am inclined to condoned the delay. However, the applicant is required to be saddled with costs. I compute the costs of Rs. 2000/- (Two Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 292/2022 is allowed in following terms:-

- (A) The delay of 8 years, 3 months and 10 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is

//7// M.A. 292/2022 in
O.A.St. 1116/2022

hereby condoned subject to costs of Rs. 2000/- (Two Thousand only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.

- (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)

**ORIGINAL APPLICATION ST.NO. 1116 OF 2022
(Shaikh Imran Shaikh Ahmed Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 24.06.2024.

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. 1116/2022

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. S.O. to 24.06.2024.

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

MEMBER (J)

SAS ORAL ORDER 17.04.2024

**M.A.NO. 245/2023 WITH M.A.NO. 138/2023 WITH
O.A. 1157/2022
(Smita M. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing additional affidavit in reply, if any.

3. S.O. to 30.04.2024 for hearing. Interim relief granted earlier in O.A. to continue till then.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

**M.A.NO. 158 OF 2024 IN O.A.NO. 147 OF 2021
(Ratnaprabha T. Hingade Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri P.B. Rakhunde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. The applicant has filed this Misc. Application seeking amendment in the Original Application. It is the case of the applicant that she is working as a Sweeper on the establishment of respondent No.5 since 10.03.2011 continuously and it was not a seasonal work. She was appointed temporarily but on vacant post. By way of filing the Original Application, the applicant is seeking directions to the respondent No.5 to regularize the services of the applicant on the post of Sweeper and also to grant the payment/monthly salary to the applicant as per the Government Notification dated 28.09.2010.

3. Learned counsel for the applicant submits that the applicant has been paid the monthly salary in terms of aforesaid G.R., however, so far as the issue of regularization of the services of the applicant is

//2// M.A. 158/2024 in
O.A. 147/2021

concerned, when the Original Application is listed for final hearing the respondent No.5 has orally terminated the applicant on 30.03.2024 and the applicant is not permitted to enter the premises of respondent No.5.

4. In view of above submissions, learned P.O. is directed to take specific instructions in this regard and make the appropriate submissions on the next date.

5. S.O. to 23.04.2024.

MEMBER (J)

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

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

DATE : 17.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 20.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

**ORIGINAL APPLICATION NO. 322 OF 2022
(Dr. Datta M. Dhanve Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Ghute, learned counsel for the respondent Nos. 3 & 4, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 569 OF 2023
(Bhagwan R. Shewale Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.06.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 737 OF 2023
(Devidas S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri S.B. Ghatol Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.05.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

ORIGINAL APPLICATION NO. 89 OF 2018
(Sayeda Khalida Md. Naeem Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.R. Pande, learned counsel for respondent No.3, are present.

2. S.O. to 14.06.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 197 OF 2020
(Vijay R. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 17.04.2024

ORAL ORDER :

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

2. S.O. to 28.06.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

**ORIGINAL APPLICATION NO. 07 OF 2021
(Arun W. Thakur Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.06.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

**ORIGINAL APPLICATION NO. 172 OF 2021
(Baliram S. Pandule Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Heard both the sides for some time.

3. It appears that by order dated 08.04.2021 this Tribunal by issuing the notices to the respondents further directed that the respondents shall not take any adverse action against the applicant pursuant to the impugned show cause notice dated 12.03.2021 till next date. The said order remained continued.

4. In paragraph No.7 of the Original Application and onwards the applicant has accepted about the enquiry conducted against him in terms of the procedure prescribed under Rule 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 and that the enquiry officer has recorded the evidence as well as examined the

//2//

O.A. 172/2021

witnesses and also the Presenting Officer has submitted his brief notes in respect of the enquiry.

5. It is the case of the applicant that though the enquiry officer has submitted the report to the Disciplinary Authority and the Disciplinary Authority has issued the show cause notice as to why the punishment should not be inflicted on the applicant, the said report of the enquiry officer has not been served on the applicant. This is the sole reason that the applicant has approached this Tribunal against the show cause notice issued to him and as detailed above, the matter is pending since 2021. The applicant is still in service and he is enjoying the said status though he has submitted reply to the Disciplinary Authority pursuant to the said show cause notice.

6. Learned P.O. is directed to take specific instructions as to whether the applicant has been served with the enquiry report before issuances of show cause notice or subsequent thereto before submissions of explanation or in the alternative whether the respondent authorities are ready to withdraw the said show cause notice and

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O.A. 172/2021

after complying with principles of nature justice, whether the department is ready to issue show cause notice afresh to the applicant.

7. Learned P.O. is directed to take instructions in this regard at the earliest.

8. S.O. to 02.05.2024 for final hearing. The interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 17.04.2024

**ORIGINAL APPLICATION NO. 809 OF 2023
(Rajashree N. More Vs. State of Maharashtra & Ors.)**

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

DATE : 17.04.2024

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondents will be filed.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 13.06.2024.

MEMBER (J)

SAS ORAL ORDER 17.04.2024