

ORIGINAL APPLICATION NO. 635/2021
(Sanjay Kumar Shashikuar Kokane Vs. The Superintending Engineer, PWD, Osmanabad)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri JM Murkute, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent.

2. The present applicant while working on the post of Executive Engineer, Public Works Department, Ambejogai, Dist. Beed was trapped in a ACB raid on 22.6.2022 and was subsequently arrested by the police. He was released on the very next day i.e. on 23.6.2022 i.e. within 24 hours from his arrest. On 23.6.2022 the present respondent passed an order thereby handing over the charge of the post of applicant to one Shri Sanjay Kisanrao Munde, Sub-Divisional Engineer, P.W. Sub Division, Parli as the additional charge. The order so passed is placed on record by the applicant at Annexure A-4 page 38 of paper book of OA. It is the contention of the applicant that aforesaid order was wholly illegal and respondent was not having any right or

authority to pass any such order. The learned counsel for the applicant submitted that the said order was passed at the instances of the then Minister namely Shri Dhananjay Munde and the charge was also handed over to the person recommended by Shri Dhananjay Munde. The learned counsel pointed out that in the order dated 23.6.2022 in reference clause the reference has been given of the letter written by Hon'ble Minister on 22.6.2022 and in the order also it has been specifically mentioned that the Hon'ble Minister has recommended name of Shri Sanjay Kisanrao Munde for handing over the additional charge of said post. In the aforesaid circumstances, the applicant has claimed following reliefs :-

"A) This Original Application may kindly be allowed.

B) The order dated 01.07.2022 and 23.06.2022 passed by respondent i.e. the Superintending Engineer – PWD, Osmanabad, Tq. Dist. Osmanabad may kindly be quashed and set aside.

C) The respondent may kindly be directed to allow the applicant to work as a Executive

*Engineer – Public Works Department,
Ambejogai.*

D) Pending hearing and final disposal of this Original Application the order dated 01.07.2022 and 23.06.2022 passed by respondent i.e. the Superintending Engineer, PWD, Osmanabad, Tq. Dist. Osmanabad may kindly be stayed and the applicant may kindly be allowed to work as a Executive Engineer – PWD at Ambejogai, Tq. Ambejogai, Dist. Beed.

E) Any other suitable and equitable relief may kindly be granted in favour of the applicant.”

3. The respondent has appeared in the matter and has filed his affidavit in reply. The objection raised in respect of authority of the respondent is denied by the respondent. The learned PO reiterating the contentions raised in the affidavit in reply submitted that in the circumstances as are mentioned in the impugned order it was not impermissible for the respondent to pass the impugned order.

4. The learned counsel for the applicant has relied upon rule 31 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, which reads thus :-

“31. Charge must be handed over at the headquarters, both relieved and relieving Government servants to be present - Except as otherwise provided below, the charge of a post must be made over at the headquarters, both the relieving and relieved Government servants being present—

(a) Permission may be granted to a Government servant serving in Vacation Department to make over charge of a post elsewhere than at its headquarters, excepting to a Head of an Institution under the Education Department. In such cases the amount of travelling allowance claimed by Government servant concerned shall not exceed the amount admissible to him while on transfer.

(b) For special reasons which must be expressed on the face of the order and be of a public nature, a competent authority may permit the charge to be made over elsewhere.

(c) In exceptional circumstances, which should be recorded, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government servant by letter or by telegram at or outside the headquarters of the post.

(d) In case of persons who are permitted to combine vacation with leave, the following procedure may be followed :—

Before proceeding on leave to which he has been allowed to prefix vacation, a Government servant should sign a charge report making over charge with effect from the date on which his leave commences and hand over the report to a responsible member of his office staff with instructions to deliver it for signature to his

successor on the latter's arrival to take over the duties of the post. Similarly, when 31 a Government servant is permitted to affix vacation with leave the Government servant, who was officiating during the leave, should at the commencement of the vacation, sign a charge report making over the charge from the beginning of the vacation and hand over the report to a responsible member of his office staff for delivery to his successor on the latter's return at the close of the vacation. 1 [] The term "vacation" in this exception includes holidays.

Instruction. — It shall be permissible for a Government servant to take over charge on a public holiday provided the procedure laid down in this rule is followed and the charge is handed over by the relieved officer in person; provided further that taking over of charge does not involve handing over and taking over cash and securities.

Note.— See rule 48 of Maharashtra Civil Services (Pay) Rules, 1981."

5. According to the learned counsel, the orders as about charge can be passed only by the competent authority and insofar as the applicant is concerned the State Government is competent authority and not the respondent. In the circumstances, it has been argued that the impugned order passed by the respondent is without authority.

6. I have duly considered the submissions advanced by the learned counsel for the parties. I

have also perused the documents placed on record and have gone through the relevant provisions of law. The contention of the applicant that the State Government is competent authority insofar as rule 31 of MCS (General Conditions of Services) Rules, 1981 is concerned, cannot be disputed. However, sub-clause (B) of the said rule permits or allows some deviation from the procedure as laid down in sub-rule (A) of rule 31.

7. After having gone through the aforesaid rules, it is evident that the procedure as prescribed under rule 31 of MCS (General Conditions of Services) Rules, 1981 is provided for general transfers, in other words, routine transfers annually made. In such transfers the procedure as laid down under sub-clause (A) of rule 31 has to be scrupulously followed. However as provided in sub-clauses (B)&(C) of rule 31 in exceptional circumstances the said procedure can be deviated from.

8. In the present matter it cannot be accepted that there was no special circumstances. Arrest of the applicant after he was trapped in a ACB matter

may be termed as exceptional circumstance if the competent authority deems it appropriate to withdraw the charge from the officer concerned. Question is whether the charge can be handed over in absence of the relieved Government Servant. Sub-clause (C) of rule 31 provides that in exceptional circumstances, a competent authority may permit the charge of a post to be made over in the absence of the relieved Government servant by letter or by telegram at or outside the headquarters of the post.

9. The competent authority is defined in the rules. Sub-rule 9 of rule 9 defines the competent authority thus :-

“9. Definition. -Unless the context otherwise requires, the terms defined in this Chapter are used in the various sets of the Maharashtra Civil Services Rules, in the sense here explained:

(1) to (8) -- -- -- --
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(9) Competent authority, in relation to the exercise of any power, means Government, or any authority to which the power is delegated by or under these rules.”

Competent authority, thus, includes to which the power is delegated by or under rules. Since the respondent has not placed on record any document in this regard that the powers were delegated to respondent to pass such an order and even when there is nothing in affidavit in reply filed by respondent that such powers were delegated to him, it is difficult to hold that the respondent was having any authority to pass such an order. As such the impugned order cannot be legally sustained. To said extent, the contention of the applicant can be certainly accepted.

10. The question, however, arises what next ? The circumstances placed on record reveal that subsequently applicant has been placed under suspension vide order dated 18.8.2022. In view of the fact that the applicant is placed under suspension now the relief which he has claimed in the present OA vide prayer clause (C) that he should be allowed to work as Executive Engineer, Public Works Department at Ambejogai cannot be granted in his favour.

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11. In the circumstances, though order dated 23.6.2022 impugned in the present application has to be held unsustainable, the present O.A. has to be disposed of without any consequential order. The O.A. accordingly stands disposed of without any order as to costs.

VICE CHAIRMAN

ARJ O.A. NO. 635 OF 2021

**ORIGINAL APPLICATION NO. 371/2021
(Amresh S. Bombalge Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Avinash D. Aghav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities. Shri G.M. Shingare, learned counsel for respondent nos. 2 to 4 (**absent**).

2. In the present matter on the last date I had heard the arguments of the learned counsel for the applicant. Since the learned counsel for respondent nos. 2 to 4 who are contesting respondents in the present matter was not present, the matter was adjourned till today for hearing his argument. However, today also the learned counsel for respondent nos. 2 to 4 has not caused his appearance in the matter.

3. I have gone through the affidavit in reply submitted on behalf of respondent nos. 2 to 4. From the reply so submitted it has transpired that the applicant has not disclosed certain material facts which he must have mentioned in the O.A. From the reply it is revealed that prior to retirement of the applicant show cause notice was issued as about omission in duty on part of the

applicant in supervising the work of one bandhara and the applicant was also served with such notice prior to his retirement. The documents filed on record reveal that certain orders were passed for withholding the gratuity since financial liabilities were likely to be imposed on the applicant.

4. Today when query was made with the learned counsel for the applicant he admits that all these facts were not mentioned in his application. In the circumstances, I direct the applicant to place on record all such material in his possession, which may facilitate this Tribunal to appropriately consider the contentions of the applicant for the relief which he has claimed. The learned counsel submits that within one week he will place on record all such documents. Time granted. If the learned counsel for respondent nos. 2 to 4 appears on the said date, his argument also can be heard.

5. S.O. to 24.11.2022 for hearing.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 114/2020
(Dagdu G. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
3. S.O. to 16.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO. 76/2020
(Shantabai G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri Rajeev B. Deshmukh, learned counsel for the applicant, Shri SK Shirse, learned Presenting Officer for the respondent authorities and Shri VB Wagh, learned counsel holding for Shri UB Bondar, learned counsel for respondent nos. 2 & 4, are present.

2. The learned PO has sought time for filing rejoinder the affidavit in reply on behalf of respondent nos. 1 & 3. Time granted.

3. S.O. to 22.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 593/2020
(Yuvraj R. Giri Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri Umakant Giri, learned counsel for the applicant (**absent**). Shri SK Shirse, learned Presenting Officer for the respondent authorities, is present. Shri YP Jadhav, learned counsel for respondent no. 3 (**absent**)

2. It reveals from the record that in spite of granting one more last chance for filing rejoinder, the same is not filed till date. Today the applicant and his learned counsel are absent. In the interest of justice further time is granted to the applicant to file rejoinder. It is however, made clear that no further time will be granted for rejoinder and the matter will be placed for hearing without having on record the rejoinder.

3. S.O. to 16.12.2022.

VICE CHAIRMAN

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

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

DATE : 17.11.2022

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 25.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 17.11.2022

**O.A. NO. 889/2019 WITH OA NO. 328/2021
(Vijaykumar Birajdar Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri GG Ladde, learned counsel for the applicant in both the matters and Shri IS Thorat & Smt. Sanjivani Deshmukh Ghate, learned Presenting Officers for the respondent authorities in respective matters, are present.

2. The learned counsel for the applicant has tendered across the bar the written notes of arguments along with other documents. The same are taken on record.

3. S.O. to 12.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO. 323/2021
(Shaikh Nazir Ahemad Shaikh Bashir Ahemad Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Smt. Priya R. Bharaswadkar, learned counsel holding for Shri RN Bharaswadkar, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant in the present application that though he has duly communicated to respondent no. 3, who is his appointing authority, about change in the nomination in required format on 29.10.2009, he has again been asked to furnish the information vide communication dated 7.6.2021. However, from the documents filed on record it cannot be certainly held that the compliance as was required to be made by the applicant was in fact made by the applicant. When a query is made as to what was the difficulty in submitting necessary information once again, the applicant is stuck-up to his stand that he has already submitted it in the year 2009 itself. From the documents on record it is difficult to hold that the entire such information was submitted by the applicant to the respondents.

3. Rule 115 of M.C.S. (Pension) Rules, 1982 contains the procedure in regard to the nominations to be made by the Government servant. The emphasis of the learned counsel for the applicant was on sub-clause 7 & 8 of the said rule, which read thus :-

“(7) (a) Every nomination made (including every notice of cancellation, if any, given) by a Government servant under this rule shall be sent-

(i) in case the Government servant is a permanent Gazetted Government servant other than a Gazetted Government servant whose pay and allowances are drawn by the Head of Office on the establishment bill, to the Audit Officer concerned : and

(ii) in any other case, including that of a Gazetted Government servant referred to in sub rule(7) (a) (i), to the Head of Office.

(b) The Audit Officer or the Head of Office, as the case may be shall, immediately on receipt of the nomination referred to in clause(a), countersign it indicating the date of receipt and keep it under his custody.

(c)(i) The Head of Office may authorise his subordinate Gazetted Officer to countersign the nomination forms of Non-gazetted Government servants.

(ii) Suitable entry regarding receipt of nomination shall be made in the service book of the Non-gazetted Government servant.

(8) Every nomination made, and every notice of cancellation given, by a Government servant shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Office.”

4. It however appears to me that sub-rule 1 of rule 115 also would be material, which reads thus :-

“(1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1 or Form 2, as may be appropriate in the circumstances of the case, conferring on one or more persons the right to receive the [retirement gratuity/death gratuity] payable under rule 111.

Provided that if at the time of making the nomination-

(i) the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family: or

(ii) the Government servant has no family, the nomination may be made in favour of a person or persons, or a body of individuals whether incorporated or not.”

5. In the present matter as I have noted hereinabove, though the applicant claims to have complied with all necessary formalities, no such record has been placed by

the applicant in the present OA so as to accept his said contention. The applicant needs to make the said compliance as prescribed in the rules. It is also noticed that some unwarranted queries are being made by the respondents. The lapses on part of both; the respondents, as well as the applicant, have resulted in delaying the pension case of the applicant, which is the matter of serious concern. It appears to me that after retirement of the Government employee his pension proposal needs to be expeditiously processed without creating procedural wrangles. In the present matter if the applicant is intending to change the nominations, the necessary compliance can be get done by him by requiring him to submit the required information. It is directed that the applicant shall not be subjected to make any compliance, which is not required and unwarranted insofar as change in nominations is concerned as provided under Rule 115 of the M.C.S. (Pension) Rules, 1982.

6. In view of the above, the following order is passed :-

ORDER

(i) The applicant shall resubmit the notice of cancellation, as well as, application for fresh nomination duly filled in, within 10 days from the date

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O.A. NO. 323/2021

of this order with respondent no. 3. If such compliance is made by the applicant, within 15 days thereafter the respondents shall cause change in nominations in accordance with procedure prescribed under rule 115 of the M.C.S. (Pension) Rules, 1982 and process the pension proposal of the applicant thereafter as expeditiously as possible.

(ii) The present O.A. stands disposed of in terms of the order as above without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO. 35/2021
(Shaikh Mohammed Noman Shaikh Aleem & Anr. Vs.
State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned counsel for the applicants and Shri SK Shirse, learned Presenting Officer for the respondent authorities.

2. The applicants have filed the present application seeking quashment of the orders dated 29.1.2016 and 29.1.2020 passed by respondent no. 5 whereby he has rejected the request of the applicants for appointment on compassionate ground of applicant no. 1, Shaikh Mohammed Noman Shaikh Aleem, by substituting his name in place of applicant no. 2, Barkat Afreen Wd/o Shaikh Aleem.

3. Deceased Shaikh Aleem Shaikh Husain died on 25.6.2013 while in Government service. The applicant no. 1 is the son of deceased, whereas the applicant no. 2 is widow of deceased. After the death of Shaikh Aleem Shaikh Husain, the applicant no. 2 made an application seeking compassionate appointment on 18.9.2013. On 27.5.2014, the applicant no. 2 submitted an another application praying for substituting name of applicant

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no. 1 in her place. The applicant no. 1 was admittedly minor at the relevant time. The request so made by the applicant no. 2 was rejected by respondent no. 4 on 29.1.2016. The applicant no. 1 became major on 30.10.2018. On 6.12.2018, the applicant no. 2 again preferred application praying for substituting the name of applicant no. 1 in her place and to consider him for compassionate appointment. The respondents however did not consider the request of the applicant no. 2 and sought certain information only from respondent no. 2 vide communication dated 5.12.2019. In response to the said communication the applicant no. 2 again made a request to respondent authorities to consider the name of her son i.e. applicant no. 1 for giving such appointment as he has become major by that time. However, the request was finally turned down by respondent no. 4 vide communication dated 29.1.2020. The applicants have therefore approached this Tribunal by filing the present O.A.

4. The present application has been opposed by the respondents. A common affidavit in reply has been filed on behalf of respondent nos. 1 to 5. As contended in the said affidavit in reply the letters issued by respondents dated 29.1.2016 and 29.1.2020 are in accordance with the Government Resolution dated 21.9.2017. It is

further contended that there is no provision in the said GR for causing change in the name of the nominee after stipulated time prescribed by the Government policy. It is further contended that the name of applicant no. 2 was already included in the waiting list maintained by the office of District Collector, Beed and as such no error has been committed by the respondents in rejecting the request of the applicants.

5. The learned counsel for the applicants submitted that the rejection of the requests made by the applicants by respondent no. 4 on the ground that name of legal representative who has earlier applied for the compassionate appointment cannot be substituted by another legal representative is violative of article 14 of the Constitution of India.

6. The learned counsel submitted that previous to GR dated 21.9.2017 the GR dated 20.5.2015 was holding the field wherein there was a similar provision prohibiting the substitution of one legal heir by another in place of the earlier legal heir, who has applied for compassionate appointment. The learned counsel submitted that Nagpur Bench of Hon'ble Bombay High Court in the case of **Dnyaneshwar Ramkishan Musane Vs. State of Maharashtra and others, WP No.**

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6267/2018 decided on 11.3.2020 has held that the concerned clause in GR dated 20.5.2015 prohibiting one legal representation by another violative of article 14 of the Constitution of India. The learned counsel pointed out that in the subsequent judgment in the case of **Payal d/o Puran Patle Vs. The State of Maharashtra & Ors., Writ Petition No. 382/2022** decided on 25.8.2022 again the similar issue was for consideration of the Hon'ble Division Bench of the Bombay High Court and the law laid down earlier in W.P. No. 6267/2018 has been reaffirmed in the said matter. The learned counsel in the circumstances has prayed for setting aside the impugned orders and has also prayed for directions against the respondents to substitute the name of applicant no. 1 in place of applicant no. 2 for being offered the appointment on compassionate ground. The learned counsel submitted that when the request for substitution of the name of applicant No. 1 was made, though the name of applicant no. 2 was included in the waiting list maintained at the office of District Collector, Beed of the candidates to be appointed on compassionate ground, no appointment was offered by that time, and as such, the respondents could not have rejected the request for substitution of the name of applicant no. 1 in place of applicant no. 2.

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7. The learned Presenting Officer reiterated the grounds taken in the affidavit in reply filed on behalf of respondent nos. 1 to 5. The learned PO submitted that in absence of any such provision in the guidelines issued vide consolidated GR dated 21.9.2017 permitting substitution of existing legal representative by another legal representative for the purpose of compassionate appointment, the request made by the applicant was not liable to be granted. The learned PO submitted that no error therefore can be found in the orders passed by the respondents impugned in the present OA. He therefore prayed for dismissal of the present OA.

8. I have duly considered the submissions advanced on behalf of the applicant, as well as, the respondents. At the outset it has to be stated that factual matrix in para 3 above is not in dispute. The only issue which falls for consideration is 'whether the ground on which the request made by the applicants has been rejected by the respondents can be sustained'. As has been contended in the affidavit in reply filed on behalf of the respondents and as has been mentioned in the impugned orders the request of the applicants has been rejected on the sole ground that there is no provision for such substitution. The respondents have relied upon GR dated 21.9.2017. In the said GR all earlier GRs

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pertaining to appointment on compassionate ground are consolidated. In the said earlier GRs the GR dated 20.5.2015 is also there. Clause 21 of the subsequent GR deals with the substitution of legal representative on the waiting list of the candidates seeking compassionate appointment. It is mentioned therein that there was no provision in existence permitting substitution of the name existing in the waiting list of the candidates for compassionate appointment. Vide the aforesaid clause the provision came to be made for substitution of the name of the existing legal representative, however, only in the event of death of person, whose name is existing in the waiting list. It is thus evident that even the GR dated 21.9.2017 also denies the substitution of the exiting legal representative in the waiting list by another legal representative in the lifetime of the existing legal representative in the waiting list.

9. Hon'ble Bombay High Court in the case of **Dnyaneshwar Ramkishan Musane Vs. State of Maharashtra and others** (cited supra) has held that :-

“prohibition imposed by the Government Resolution dated 20.5.2015 that name of any legal representative of the deceased employee would not be substituted by any other legal representative seeking appointment on compassionate ground is arbitrary, irrational and unreasonable and violates

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the fundamental rights guaranteed by Article 14 of the Constitution of India.”

It is further observed that

“as per the policy of the State Government one legal representative of deceased employee is entitled to be considered for appointment on compassionate ground. The prohibition imposed by the Government Resolution dated 20.5.2015 that if one legal representative of deceased employee stakes claim for appointment on compassionate ground, then name of another legal representative of that deceased employee cannot be substituted in the list in place of other legal representative who had submitted her/his application earlier does not further the object of the policy of the State Government regarding appointments on compassionate grounds. Such prohibition frustrates the object for which the policy to give appointment on compassionate ground is formulated.”

10. Relying on the law laid down by the Hon'ble High Court as above this Tribunal has passed several judgments and has thereby directed the authorities concerned in the respective matters to substitute the name of the existing legal representative with another legal representative, who is otherwise eligible to get such appointment.

11. In the instant matter the request for substitution of the name of legal representative was timely made. When such request was made though the name of applicant no. 2 was included in the waiting list her turn

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for appointment had not come. In the circumstances, in fact, there was no reason for the respondents to reject the request of the applicants to substitute the name of applicant no. 1 in place of applicant no. 2. The request, however, came to be rejected on the ground that there was no such provision in the GR dated 29.8.2017. In the earlier GR dated 20.5.2015 on the same subject there was prohibition imposed that name of legal representative of deceased employee would not be substituted by any other legal representative seeking appointment on compassionate ground. In the subsequent GR dated 29.8.2017 though substitution is made permissible that is only in the event of death of existing legal representative, meaning thereby that the provision in the earlier GR dated 20.5.2015 has been impliedly maintained as it is insofar as the substitution of the existing legal representative by another legal representative in his lifetime is concerned. As has been noted hereinabove, the Hon'ble High Court has held the aforesaid prohibition arbitrary, unreasonable and irrational. For the same reasons the GR dated 21.9.2017 which impliedly prohibits substitution also has to be held arbitrary, unreasonable and irrational. The rejection of the request made by applicants on the basis of the provisions in the said GR therefore has to be held unsustainable. For the reasons stated above the

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present OA deserves to be allowed. Hence, the following order :-

ORDER

(i) The impugned orders dated 29.1.2016 and 29.1.2020 passed by respondent no. 5 are set aside.

(ii) The respondent no. 4 is directed to include the name of applicant no. 1 in the waiting list of persons seeking appointment on compassionate ground substituting his name in place of his mother's name i.e. applicant no. 2, within six weeks from the date of this order.

(iii) The respondent no. 4 is further directed to consider the case of applicant no. 1 for appointment on compassionate ground treating his seniority from the date 6.12.2018.

(iv) The Original Application is allowed in the aforesaid terms. No order as to costs.

VICE CHAIRMAN

**C.P.NO.35 OF 2022 IN O.A.NO.697 OF 2019
(Shobha B. Khade Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Issue notices to the respondents in C.P.No.35/2022, returnable on 21.12.2022.

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

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

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

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

7. S.O. to 21.12.2022.

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

MEMBER (A)

MEMBER (J)

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

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Saket Joshi, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the respondent No.3.

2. Learned Advocate for the respondent No.3 submitted that he would file affidavit in reply on behalf of respondent No.3 during the course of day.

3. S.O. to 09.12.2022, for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST.NO.1939 OF 2022
(Manjusha R. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Since the applicants are seeking urgent relief in respect of latest impugned communication dated 23.09.2022 (Annex. 'A-18') issued by the respondent No.1, which is within limitation period, we proceed to hear the learned Advocate for the applicant on the point of seeking interim relief in that regard.

3. The Original Application is filed seeking various reliefs amongst others such as quashing communication dated 23.09.2022 (Annex. 'A-18') issued by the respondent No.1, preparing the list of the officers from the cadre of Deputy Chief Executive Officer (DEO) from entire State to the post of Additional Chief Executive Officers. The names of the applicants do not reflect in the said

//2// O.A.St.1939/2022

communication though according to them, names of some junior officers are incorporated. Incidentally, the applicants in this O.A. have also sought revision of seniority list of the post of Block Development Officers, Class-II onwards strictly as per clause No.5 of Government Resolution dated 07.03.1996. The applicants are also seeking deemed date of promotion in the cadre of Block Development Officer, Class-I from 2005. They are also seeking revision of seniority list of Maharashtra Development Services, Class-I i.e. Deputy Executive Officers cadre by treating the date of promotion of the applicants as 03.12.2008. The applicants are also seeking grant of promotion to the post of Additional CEO (S-25) (Class-I).

4. In this O.A. the applicants are seeking interim relief in terms of prayer clause 'F' and 'G' as follows:-

"F. To grant interim injunction restraining the respondents, their agents, subordinates and servants from giving an effect to or acting upon the communication dated 23.09.2022 issued by the Under Secretary, Rural Development Department addressed to the Divisional Commissioners (Annexure

//3//

O.A.St.1939/2022

“A-18”), pending hearing and final disposal of this Original Application;

- G. To grant interim injunction restraining respondent No.1 from making any promotions without revising the seniority lists of MDS Class-II from 2002 and further revising the seniority list of MDS Class-I i.e. Deputy Executive Officers' cadre from 2008 in accordance with mandate clause 5 of Government Resolution dated 07.03.1996, pending hearing and final disposal of this Original Application.”

5. After having considered the facts and documents on record, it appears that the applicants are seeking to revise the seniority list in the cadre of MDS, Class-II from 2002 onwards strictly as per clause No.5 of G.R. dated 07.03.1996 as well as seeking deemed date of promotion in MDS, Class-I from 2005, revision of senior list from 03.12.2008 and seeking promotion to the post of Additional CEO.

6. Considering the dates involved in the matter, the issue of limitation arises in the matter. The applicants have filed separate application for condonation of delay bearing M.A.No.496/2022. Considering the facts and documents on record,

//4// O.A.St.1939/2022

prima-facie it appears that the applicants have a viable case, which requires consideration in the Original Application. However, granting interim reliefs as prayed for would amount to halting the process of promotion. The applicants are also seeking deemed date of promotion in their present cadre. In the circumstances, it cannot be said that refusing to grant ad-interim relief would frustrate the O.A. In our considered opinion, it would suffice the purpose, if the promotional process is made subject to outcome of the O.A. It is ordered accordingly.

7. S.O to 14.12.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.496 OF 2022 IN O.AST.NO.1939 OF 2022
(Manjusha R. Jadhav & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Issue notices to the respondents in M.A.No.496/2022, returnable on 14.12.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 14.12.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**M.A.ST.NO.1938/2022 IN O.AST.NO.1939/2022
(Manjusha R. Jadhav & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

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

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

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1005 OF 2022
(Ganpat H. Darade Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri S.K. Chavan, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 24.11.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. Point of interim relief is kept open.
8. S.O. to 24.11.2022.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1006 OF 2022
(Pravin B. Pote Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 22.11.2022.

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

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

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

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

7. Point of interim relief is kept open.

8. S.O. to 22.11.2022.

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

MEMBER (A)

MEMBER (J)

**C.P.ST.NO.1639 OF 2022 IN O.A.NO.801 OF 2012
(Baliram B. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 02.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.232 OF 2019
(Maruti T. Kamble & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. At the request of the learned P.O., S.O. to 14.12.2022. **High on board.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.708/2019,
709/2019, 710/2019, 711/2019, 712/2019,
781/2019, 782/2019, 1052/2019, 1053/2019,
1054/2019 AND 1055/2019**
(Dattatraya J. Zombade Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As.

Shri V.V. Bhavthankar, learned Advocate for the respondent No.4 in O.A.No.708/2019 and Shri M.S. Shendge, learned Advocate for the respondent Nos.3 & 4 in O.A.No.711/2019 and Shri S.R. Dheple, learned Advocate for the respondent No.3 in O.A.No.781/2019, are **absent**.

2. Learned C.P.O. for the respondent authorities in all these O.As. tendered the copy of order dated 14.11.2022 passed by the Principal seat of this Tribunal at Mumbai in similar matters stating that the decision passed by the Tribunal in similar matters in favour of the applicants therein is pending before the Hon'ble High Court as the State has filed Writ Petition No.2303/2019 against the decision thereon.

//2// O.A.No.708/2019 & Ors.

3. In view of the same, by consent of both the sides,
S.O. to 24.01.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.11.2022

ORIGINAL APPLICATION NO.302 OF 2021
(Hitendra P. Chauhdhari Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Santosh F. Bankar, learned Advocate holding for Shri M.V. Thorat, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, time is granted for providing second set.

3. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.303 OF 2021
(Rajendrakumar G. Baviskar Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Santosh F. Bankar, learned Advocate holding for Shri M.V. Thorat, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, time is granted for providing second set.

3. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.559 OF 2021
(Swapnil P. Holkar Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate holding for Shri R.K. Ashtekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.730 OF 2022
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.
3. The respondents are at liberty to file affidavit in sur rejoinder, if any.
4. S.O. to 06.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.488 OF 2018
(Dattu B. Kolpe Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

**C.P.NO.26 OF 2022 IN O.A.NO.188 OF 2021
(Jayashri R. Dixit Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Await service.

3. At the request of the learned Advocate for the applicant, S.O. to 07.12.2022 for taking necessary steps.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.156 OF 2020
(Raju A. Ghodke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri A.C. Deshpande, learned Advocate for the applicants (**absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.12.2022 for filing affidavit in rejoinder as a last chance.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.213 OF 2020
(Apurva S. Narale Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.226 OF 2020
(Haridas R. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.228 OF 2020
(Santosh D. Dhongde Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri A.R. Avachat, learned Advocate for the applicant (**absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to S.O. to 07.12.2022 for filing affidavit in rejoinder as a last chance.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.32 OF 2021
(Mukinda T. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri Ujjwal S. Patil, learned Advocate for the applicant (**absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to S.O. to 07.12.2022 for filing affidavit in rejoinder as a last chance.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.165 OF 2021
(Anil Y. Rokade Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.680 OF 2021
(Anil Y.Rokade Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant in both the O.As., Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities in both the O.As. and Shri S.B. Patil, learned Advocate for the respondent Nos.2 & 3 in both the O.As.

2. At the request of the learned Advocate for the applicants, time is granted as a last chance for filing affidavit in rejoinder in both the O.As.

3. S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.307 OF 2021
(Vaishali K. Korde Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

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

3. S.O. to 09.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.366 OF 2021
(Narayansingh B. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.378 OF 2021
(Raju Husen Sayyed Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri C.M. Ghodke, learned Advocate holding for Shri G.L. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.415 OF 2021
(Vivekanand V. Auti & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri Santosh B. Dambe, learned Advocate for the applicants (**absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.497 OF 2021
(Nitin S. Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

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

3. S.O. to 15.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.554 OF 2021
(Harshal N. Yevle Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri R.B. Ade, learned Advocate for the applicant (**absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is already filed on behalf of the respondent Nos.1 to 4.

3. In view of absence of learned Advocate for the applicant, S.O. to 15.12.2022, for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

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

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

DATE : 17.11.2022

ORAL ORDER :

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

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

3. S.O. to 16.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 594 OF 2021
(Dr. Meena R. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri Kalyan V. Patil, learned Advocate for the applicant (**absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 16.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.812 OF 2021
(Kamlakar G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for the respondent No.4.

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.3.
3. At the request made on behalf of the respondents, time is granted for filing affidavit in reply on behalf of remaining respondents.
4. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.827 OF 2021
(Sanjaykumar U. More Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri H.P. Randhir, learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 21.12.2022 for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.33 OF 2022
(Vitthal N. Kokulwar Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.36 OF 2022
(Balasaheb N. Patharkar Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 to 3 and Shri G.N. Patil, learned Advocate for the respondent No.4.

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.3.

3. At the request made on behalf of the respondents, time is granted for filing affidavit in reply on behalf of other respondents.

4. The applicant is at liberty to file affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent No.3.

5. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.143 OF 2022
(Dr. Amol K.Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondents.

3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.367 OF 2022
(Ikramoddin Khiyamoddin Khatib Vs. State of Maharashtra
& Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri K.S. Shirse, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.3.
3. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of other respondents.
4. The applicant is at liberty to file affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent No.3.
5. S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.628 OF 2022
(Sunil C. Ahire Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri A.D. Aghav, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

Shri Pradeep Tapse Patil, learned Advocate for the respondent No.5 has filed a **leave note**.

2. Record shows that the affidavit in reply is filed only on behalf of respondent Nos.1 and 5.

3. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of remaining respondents.

4. S.O. to 16.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.643 OF 2022
(Raosaheb B. Jangle Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that he would file affidavit in reply on behalf of the respondent Nos.1 & 2 during the course of the day.

3. S.O. to 14.12.2022, for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

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

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

DATE : 17.11.2022

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit in reply on behalf of the respondents.

3. S.O. to 21.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

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

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

DATE : 17.11.2022

ORAL ORDER :

Shri Vishnu Dhoble, learned Advocate for the applicant (**absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned Advocate for the respondent No.4 in O.A.No.805/2017.

2. In view of absence of learned Advocate for the applicant, S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.11.2022

M.A.NO.611/2019 IN O.A.ST.NO.2374/ 2019
(Rambhau A. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

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

3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.11.2022

**M.A.NO.5 OF 2021 IN O.A.ST.NO.778 OF 2020
(Shridhar R. Kundatwad Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

None present on behalf of the applicant.

Heard Smt. Deepali S. Deshpande, learned
Presenting Officer for the respondents.

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

3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.53 OF 2022 IN O.A.ST.NO.99 OF 2022
(Gorakh R. Limaji Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri P.S. Mantri, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent No.2 is taken on record and copy thereof has been served on the other side.

3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of respondent Nos.1 & 3.

4. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.11.2022

M.A.NO.60 OF 2022 IN O.A.ST.NO.67 OF 2022
(Gaus Mohayyopdin Shamshodin Vs. State of Maharashtra
& Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, time is granted for filing affidavit in rejoinder in M.A.
3. S.O. to 19.12.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.359 OF 2022 IN O.A.NO.729 OF 2022
(Pavansing M. Chugda & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Amol B. Chalak, learned Advocate for the applicants in M.A., Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned Advocate for the applicants in O.A.No.729/2022.

2. At the request made on behalf of the respondents, time is granted as a last chance for filing affidavits in replies in M.A.

3. S.O. to 05.12.2022.

4. The interim relief granted earlier in O.A. to continue till filing of the affidavit in reply by the respondents.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.872 OF 2018
(Arun M. Gir Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri A.D. Aghav, learned Advocate holding for Shri Arvind G. Ambetkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.853/2018
(Pramod C. Bute Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri S.D.Dhongde, 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 Presenting Officer, S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO.858/2018, 86/2019, 118/2019, 278/2019, 421/2019, 392/2020, 394/2020, 395/2020, 398/2020 & 173/2021 (Sudhakar Patil Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Shri J.B.Choudhary, learned Counsel for applicant in O.A.858/18, Shri G.N.Patil, learned Counsel for applicant in O.A.173/21, Shri S.D.Dhongde learned Counsel for the applicants in rest of the O.As., and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 06-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

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

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

DATE : 17-11-2022

ORAL ORDER :

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

2. Rejoinder is filed. List the matter for hearing on 12-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO.262/2022
(Sima Kangane Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Counsel for respondent nos.2 & 3, are present.

2. On request of learned Counsel for respondent nos.2 & 3, S.O. to 13-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO.341/2022
(Shaikh Shafiqedin Shaikh Ahmed Vs. State of
Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

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

2. Learned P.O. has sought one more opportunity to file affidavit in reply on behalf of the respondents. Request is opposed by the learned Counsel for applicant, however, in the interest of justice, by way of last chance time is granted till 12-12-2022. If reply is not filed till the due date, matter will be heard without reply of the respondents.

3. S.O. to 12-12-2022, as a last chance.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.502/2022
(Mohammad Siddiq Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri G.N.Kulkarni, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply. Though the request is opposed by the learned Counsel for the applicant, in the interest of justice time is granted till 05-12-2022. If reply is not filed on or before the said date, matter will be heard without reply of the respondents.

3. S.O. to 05-12-2022, as a last chance.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

**ORIGINAL APPLICATION NO.560/2021
(Motiram Dakhore Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri A.S.Mirajgaonkar, learned Counsel holding for Shri S.D.Joshi, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel has brought to my notice that affidavit in reply is already on record and rejoinder is also filed.

3. In the circumstances, list the matte for hearing on 09-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO.634/2022
(Somnath Baviskar Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Shri A.S.Mirajgaonkar, learned Counsel holding for Shri S.D.Joshi, 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 submits that though the respondents are served way back in August, 2022 till today reply has not been filed. Learned P.O. has sought time. By way of last chance, time is granted for filing affidavit in reply till 21-12-2022. If reply is not filed till the due date, matter will be heard without reply of the respondents.

3. S.O. to 21-12-2022, as a last chance.

VICE CHAIRMAN

**M.A.NO.304/2022 IN O.A.ST.NO.1027/2022
(Ravikiran Ahire & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri M.R.Deshmukh, learned Counsel holding
for Shri S.G.Chapalgaonkar, learned Counsel for the
applicant and Smt. Deepali Deshpande, learned
Presenting Officer for the respondent authorities, are
present.

2. List the matter for hearing on 24-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

**T.A.NO.04/2022 IN W.P.NO.5756/2022
(Rushikesh Rokade Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri Sandeep D. Munde, learned Counsel holding for Shri Rahul R. Karpe, learned Counsel for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned P.O., time is granted by way of last chance to file affidavit in reply till 13-12-2022. If reply is not filed on or before the said date, matter will be heard without reply of the respondents.

3. S.O. to 13-12-2022, as a last chance.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

**ORIGINAL APPLICATION NO.805/2021
(Mahadev Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

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

2. Today, Shri S.G.Kulkarni, learned Counsel appeared and requested time to file Vakalatnama as well as affidavit in reply on behalf of respondent no.6.

3. Request is opposed by the learned Counsel for the applicant. However, in the interest of justice, last chance is granted to file reply on behalf of respondent no.6. Reply be filed on or before 12-12-2022. If reply is not filed till 12-12-2022, matter will be heard without reply of the said respondent.

4. S.O. to 12-12-2022, as a last chance.

VICE CHAIRMAN

**M.A.NO.457/2022 IN O.A.ST.NO.1700/2022
(Bharat Kadlaskar Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Heard Shri A.S.Khedkar, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. For the reasons stated in the M.A. which are just and sufficient, the delay caused in filing the O.A. is condoned.

3. O.A. be registered and numbered in accordance with rules, after removal of office objections, if any.

4. M.A.No.457/2022 stands disposed of accordingly with no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

**ORIGINAL APPLICATION ST.NO.1700/2022
(Bharat Kadlaskar Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Heard Shri A.S.Khedkar, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to the respondents, returnable on 21-12-2022.

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

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

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

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

7. S.O. to 21-12-2022.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.879/2022
(Janabai Gadade Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri R.J.Nirmal, learned Counsel for the applicant is **absent**. Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities is present.

2. None appears for the applicant.

3. S.O. to 16-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

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

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

DATE : 17-11-2022

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri V.B.Wagh, learned Counsel for respondent no.5, are present.

2. Issue notice to the respondents, returnable on 20-12-2022.

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

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

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

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

7. S.O. to 20-12-2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.997/2022
(Rekha Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Heard Ms. Sanyukta Suryawanshi, learned Counsel holding for Mr. S.N.Suryawanshi, learned Counsel for the applicant and Mr. D.R.Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 20-12-2022.

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

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

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

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

7. S.O. to 20-12-2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1003/2022
(Bapurao Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 15-12-2022.

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

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

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

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

7. S.O. to 15-12-2022.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.508/2017
(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Ms. A.N.Ansari, learned Counsel for the applicant is **absent**. Shri M.P.Gude, learned Presenting Officer for the respondent authorities is present.

2. When the present matter was taken up for consideration neither the applicant nor the Counsel for the applicant has caused appearance. On previous date, adjournment was sought by the applicant. On the date preceding to earlier date also the applicant was absent. In the circumstances, matter stands adjourned by way of last chance to 20-12-2022.

3. If the matter is not proceeded further on the given date, same shall stand dismissed for want of prosecution.

4. S.O. to 20-12-2022, as a last chance.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.358/2019
(Prem Kagada Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri J.M.Murkute, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

ORDER

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1059/2019
(Kerba Jetewad Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Heard Shri Shamsundar B. Patil, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

2. When the present matter was taken up for consideration, it is informed that as has been claimed in the O.A., applicant has been paid salary of the additional charge which was held by him in the relevant period as particularized in the chart at Annexure A-1. Since the prayer of the applicant was to get salary of the said periods and the same has been complied with, very purpose of filing the O.A. seems to have been fulfilled.

3. O.A., therefore, stands disposed of without any order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.487/2020
(Usha Bahirat Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri Sandip Wakle, learned Counsel holding
for Shri Shirish M. Kamble, 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 16-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

**ORIGINAL APPLICATION NO.253/2021
(Shaikh Nabi Shaikh Muqbul Vs. State of Maharashtra &
Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri V.S.Kadam, learned Counsel for the applicant is **absent**. Shri M.P.Gude, learned Presenting Officer for the respondent authorities is present.

2. Since none appears for the applicant, S.O. to 05-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

**ORIGINAL APPLICATION NO.524/2021
(Hanumant R. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri Swapnil S. Dargad, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

3. Learned Counsel for the applicant has tendered copy of the judgment passed by the Hon'ble High Court in Criminal Writ Petition No.1048/2017. Same is taken on record.

3. On request of learned Counsel for the applicant, S.O. to 16-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

**ORIGINAL APPLICATION NO.613/2021
(Digambar Deshpande Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri S.S.Jadhavar, learned Counsel for the applicant is **absent**. Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities is present.

2. Since none appears for the applicant, S.O. to 16-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO.648/2021
(Dr. Usha Bholane Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

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

Shri N.R.Dayama, learned Counsel for respondent no.5 is **absent**.

2. At the request of learned Counsel for the applicant, S.O. to 10-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO.10/2022
(Akash T. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Shri A.D.Aghav, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply on behalf of the respondents. Request is strongly opposed by the learned Counsel for the applicant, however, in the interest of justice time is granted by way of last chance till 23-12-2022 for filing reply. If reply is not filed on or before the due date matter will be heard without reply of the respondents.

3. S.O. to 23-12-2022, as a last chance.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.219/2022
(Datta Tarate Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Shri S.N.Lute, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. states that the present matter is assigned to Shri V.R.Bhumkar, learned P.O., who is on leave today due to his personal difficulty. He has, therefore, prayed for adjournment. Granted.

3. S.O. to 11-01-2023.

VICE CHAIRMAN

M.A.NO.620/2019 IN O.A.ST.NO.2355/2019
(Sumedh D. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

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

2. O.A. is filed seeking direction against the respondents for offering compassionate appointment to the present applicant. Since some delay has caused in filing the O.A., present M.A. has been filed seeking condonation of delay. Though elaborate facts are stated in the M.A. those are not required to be given here in detail. It is the contention of the applicant that request for compassionate appointment has been rejected in 2017 and thereafter the applicant has filed the present O.A. in the year 2019, in filing of which 1 year and 7 months' delay has occurred. Learned Counsel submits that the delay caused is unintentional and for bonafide reasons. It is contended that the applicant was trying to get resolved his grievance through the departmental officers, however, after failing in that attempt, he has approached this Tribunal.

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M.A.NO.620/2019 IN O.A.ST.NO.2355/2019

3. Having considered the relief which the applicant is seeking, I deem it appropriate to condone the delay caused in filing the O.A. Hence, the following order:

ORDER

[i] Delay caused for filing the O.A. is condoned.

[ii] After removal of objections, if any, O.A. be registered and numbered in accordance with rules.

[iii] M.A. is allowed and disposed of accordingly.

[iv] There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO.2355/2019
(Sumedh D. Wagmare Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

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

2. After registration of O.A., issue notice to the respondents, returnable on 23-12-2022.

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

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

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

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

7. S.O. to 23-12-2022.

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

VICE CHAIRMAN

**M.A.NO.476/2022 IN O.A.NO.170/2022
(Rajaram Zende Vs. State of Maharashtra & Ors.)**

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

DATE : 17-11-2022

ORAL ORDER :

Heard Shri R.A.Joshi, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. For the reasons stated in the M.A. which according to me are just and sufficient, delay caused in filing the O.A. is condoned.

3. M.A. stands disposed of accordingly with no order as to costs.

4. Since the O.A. is already registered, it be taken up for consideration.

VICE CHAIRMAN

YUK ORAL ORDER 17.11.2022

ORIGINAL APPLICATION NO.170/2022
(Rajaram Zende Vs. State of Maharashtra & Ors.)

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

DATE : 17-11-2022

ORAL ORDER :

Heard Shri R.A.Joshi, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Retiral benefits like gratuity, leave encashment, arrears of salary during the suspension, two annual increments and other allowances are not yet been paid to the present applicant though he retired in the year 2013 after attaining age of superannuation on the ground that, the criminal appeal is filed against the judgment of acquittal in favour of the present applicant in Special Case (ACB) No.03/2011 before the Hon'ble High Court. Learned Counsel for the applicant submitted that merely because a criminal appeal is pending against the applicant, retiral benefits cannot be withheld by the respondents.

3. Applicant has prayed for following relief:

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O.A.NO.170/2022

“A. By issue of appropriate order or direction the Respondents may kindly be directed to release the arrears of salary during the suspension, two annual increments, other allowances, gratuity and leave encashment of 300 days within stipulated time which this Hon’ble Tribunal may think just in the facts and circumstances of the case.”

4. Learned Counsel for the applicant relying on the judgment of the Hon’ble Bombay High Court Bench at Aurangabad passed in W.P.No.6650/2020 in the case of Ashfakali Khan Abdulali Khan V/s. State of Maharashtra & Ors. decided on 25-10-2021 submitted that merely on the ground that a criminal appeal is pending against the acquittal of the Government employee in the criminal case filed against him, retiral benefits cannot be withheld. Learned Counsel submitted that the applicant is ready to submit the undertaking as has been prescribed by the Hon’ble High Court in the order cited supra.

5. Learned P.O. opposed the contentions as are raised by the applicant. On query made by me as to whether pendency of criminal appeal against the

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O.A.NO.170/2022

applicant is the only reason for withholding the retiral benefits, it has been stated that it is the only reason for withholding retiral benefits of the applicant. If it be so, inaction on the part of the respondents in paying retiral benefits cannot be sustained. Hon'ble High Court in Writ Petition No.6650/2020 has held as under:

"1. We have considered the strenuous submissions of the learned Advocates for the respective sides. The learned Advocate for respondent Nos.2 and 3 and the learned AGP have vehemently opposed this petition and pray for it's dismissal. It is pointed out that though the petitioner has been acquitted for committing offences punishable under sections 7 and 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 vide judgment dated 19/07/2019 in Special Case (ACB) No.07/2007, a criminal appeal challenging such acquittal is pending in this Court.

2. The petitioner has put forth prayer clause B, C and D as under :-

"B. By Writ, order or directions the respondent No.2 and 3 may kindly be directed to fix final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of justice.

C. By writ, order or directions the respondent No.2 and 3 may kindly be directed to pay the difference of final regular pension deducting the amount paid to the petitioner by way of provisional pension from 01.07.2017 till the actual grant of regular pension as per 7th Pay Commission and to pay interest @ 12% on regular pension from 20.07.2019 till the grant and payment of actual regular pension and for the payment of interest on the amount payable to the petitioner of gratuity from 01.07.2017 till the actual payment of gratuity in the interest of justice.

D. Pending hearing and final disposal of this Writ Petition the respondent No.2 and 3 may kindly be directed to fix the final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of Justice."

3. It is settled Law that gratuity cannot be forfeited unless the offence amounting to moral turpitude is proved to have been committed by the petitioner, u/s 4, 6(d)(2) of the Payment of Gratuity Act, 1972 and in the light of the judgment delivered by the Hon'ble Apex Court in the matter of Union Bank of India and others Vs.C.G.Ajay Babu and another [(2018) 9 SCC 529].

4. The learned Advocate for the Corporation submits that the provisional pension is being

granted to the petitioner. He, however, cannot point out any provision under the MCS (Pension) Rules, 1982 that an appeal pending against acquittal would empower the employer to hold back regular pension.

5. In the light of the facts as recorded above and keeping in view that an appeal against the acquittal is pending adjudication, the petitioner need not be made to suffer the rigours of litigation, though, we intend to pass an equitable order.

6. In view of the above, this petition is partly allowed in terms of prayer clause "B" with the following rider :-

[a] The petitioner shall tender an affidavit/undertaking to respondent No.3 Municipal Commissioner stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

[b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the

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O.A.NO.170/2022

date of the filing of such affidavit by the petitioner. ”

6. This Tribunal while deciding O.A.No.178/2021 has dealt with similar situation and has allowed the said O.A. relying on the judgment of the Division Bench of the Hon'ble Bombay High Court Bench at Aurangabad, cited supra.

7. In view of the fact that the retiral benefits are withheld only on the ground that criminal appeal is pending against the order of acquittal in favour of the applicant, the present O.A. deserves to be allowed. Hence, the following order:

ORDER

[i] The applicant shall tender an affidavit/undertaking to respondents stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion

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O.A.NO.170/2022

of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

[ii] After such affidavit is filed satisfying the above stated ingredients, the respondents shall initiate steps for compliance of prayer clause “A” and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the applicant.

[iii] O.A. stands disposed of in aforesaid terms without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 190 OF 2017
(Dattatrya J. Zombade Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present matter is pertaining to Departmental Enquiry and compulsory retirement. In view of the same, the original papers of Departmental Enquiry would be necessary for effective decision.

3. Learned Presenting Officer is directed to produce on record the above-said original record of D.E. on or before the next date of hearing.

4. The present matter is to be treated as part heard.

5. At the request of learned Presenting Officer, S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

Review 1/2022 in O.A. No. 384/2019
(Vinayak B. Kapse & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate holding for Shri M.B. Kolpe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present Review Petition is being filed against the order dated 11.01.2022 passed in O.A. No. 384/2019. The said order under review is passed by the Division Bench of Hon'ble Justice P.R. Bora, Vice Chairman and one of us i.e. Hon'ble Shri Bijay Kumar, Member (A).

3. In view of the same, the present matter may be placed before the Division Bench consisting of Hon'ble Justice P.R. Bora, Vice Chairman and Hon'ble Shri Bijay Kumar, Member (A).

4. S.O. to 07.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 762 OF 2018
(Sahebrao D. Deshmukh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

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

3. At the request of learned Presenting Officer, S.O. to 25.11.2022 for production of documents along with short affidavit.

MEMBER (A)

MEMBER (J)

**O.A. Nos. 341/2019 with 589/2018 with O.A. No. 702/2018 with Caveat 64 to 70 of 2018
(Komal R. Rathod & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri S.S. Patankar, learned Advocate for the applicant in O.A. No. 589/018, **absent**.

Heard S/shri A.M. Nagarkar & V.B. Wagh, learned Advocates for the applicants in respective O.As. and Shri B.S. Deokar, learned Presenting Officer for the respondents in all these O.As.

2. Learned Presenting Officer placed on record Xerox copies of original record. Same is taken on record and copy thereof has been served on the other side.

4. In order to appreciate the pleadings on record, learned Presenting Officer is directed to prepare the comparative chart of seniority of the applicants in all these three matters, as well as, other employees who were reverted amongst those 10 employees as on 01.01.2017 and 01.01.2018 and to file it on record on or before the next date of hearing.

5. S.O. to 14.12.2022. **High on Board**.

MEMBER (A)

MEMBER (J)

**O.A. Nos. 95/2022, 97/2022 & M.A. No. 62/2022
in O.A. St. No. 209/2022
(Vijay U. Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri G.M. Jadhav, learned Advocate for the applicant in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. By consent of both the sides, S.O. to 28.11.2022 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

C.P. No. 19/2020 in O.A. No. 704/2017
(Asman D. Garje & Ors. Vs. State of Maharashtra & Ors.)

WITH

C.P. NO. 27/2020 in O.A. No. 749/2017
(Mohammad Abdul Hai Mohammad Abdul Gani & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicants in both the cases and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents in both the cases.

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

MEMBER (A)

MEMBER (J)

**O.A. No. 852/2017 with O.A. No. 853/2017
(Nilesh D. Kale & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in both the cases, Shri D.R. Patil, learned Presenting Officer for the respondent authorities in both the cases and Shri R.D. Khadap, learned Advocate for respondent No. 5 in both the cases.

2. By consent of all the parties, S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 17.11.2022

ORIGINAL APPLICATION NO. 182 OF 2019
(Dr. Devidas L. Lavhate Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 287 OF 2020
(Shahu S. Jswantsing S. Huzurasingh Vs. State of
Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri M.A. Granthi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 411 OF 2020
(Ashfaq Shahnoor Quraishi Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Second set not filed.
3. By consent of both the sides, S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 139 OF 2021
(Sunil R. Barse Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities. Shri V.U. Rathod, learned Advocate for respondent Nos. 6 & 7, **absent**.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 397 OF 2021
(Abhijeet M. Bhise & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 608 OF 2021
(Pawansingh R. Bight Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 62 OF 2022
(Sanjay N. Hange Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

**M.A. No. 614/2019 in O.A. St. No. 2365/2019
(Hanuman P. Jarare Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 17.11.2022

M.A. No. 219/2022 in O.A. No. 810/2021
(The Divisional Commissioner Nashik & Ors. Vs. Ganesh B. Agale)
WITH
M.A. No. 220/2022 in O.A. No. 381/2021
(The Divisional Commissioner Nashik & Ors. Vs. Manushree S. Deokar)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in the present M.As. / respondents in O.As. and Shri V.B. Wagh, learned Advocate for the respondent in the present M.As. / applicants in O.As.

2. By consent of both the sides, S.O. to 12.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 555 OF 2014
(Sudhir A. Sathe Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2014
(Deepak B. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 626 OF 2016
(Savita U. Hake Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

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

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

DATE : 17.11.2022

ORAL ORDER :

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

2. By consent of all the parties, S.O. to 19.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 661 OF 2017
(Shailendra S. Kapse Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri A.D. Aghav, learned Advocate holding for Shri A.G. Ambetkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. No. 104/2018 with O.A. No. 105/2018
(Dr. Nandkishor D. Karwa & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants in both the O.As. and Shri D.R. Patil, learned Presenting Officer for the respondents in both the O.As.

2. By consent of both the sides, S.O. to 11.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 17.11.2022

ORIGINAL APPLICATION NO. 383 OF 2018
(Meraj Begum Seed Abdul Khalak Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 443 OF 2018
(Jagannath W. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant filed written notes of argument. Same is taken on record.
3. The present matter is to be treated as part heard.
4. At the request of learned Advocate for the applicant, S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 615 OF 2018
(Desai Timma Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 847 OF 2018
(Ananda N. Kolewad Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri M.R. Wagh, learned Advocate for respondent No. 4.

2. By consent of all the parties, S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 374 OF 2019
(Dr. Mohammad Sharif Bismilla Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 561 OF 2019
(Ramesh P. Barhe Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities. Shri Subhash Chillarge, learned Advocate for respondent NO. 3, **absent.**

2. By consent of both the sides, S.O. to 21.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**M.A. No. 169/2021 in O.A. St. No. 141/2021
(Anil J. Kande & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 17.11.2022

**ORIGINAL APPLICATION NO. 381 OF 2021
(Swapnil S. Shimpi Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Await service of notice upon the respondents.
3. S.O. to 16.12.2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 585 OF 2021
(Latabai D. Avhad Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

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

3. S.O. to 20.12.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 277 OF 2022
(Akhtar Baig Baba Baig Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri Azizodding R. Syed, learned Counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting officer has sought time for filing affidavit in reply on behalf of respondents. Time is granted as final chance.

3. S.O. to 12.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 405 OF 2022
(Sujata R. Parsode & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri B.N. Gadegaonkar, learned Counsel for the applicants (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondent Nos. 1 &

2. Time granted.

3. S.O. to 12.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 961 OF 2022
(Sunanda S. Harsulkar Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

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

3. S.O. to 05.12.2022.

VICE CHAIRMAN

**M.A. No. 567/2019 in O.A. St. No. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri R.D. Biradar, 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 09.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

KPB ORAL ORDERS 17.11.2022

M.A. No. 346/2021 in O.A. St. No. 904/2021
(Kantabai C. Narwade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri U.P. Giri, learned Counsel for the applicants (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Await service of notice upon respondent Nos. 4 & 5.
3. As none present for the applicants, S.O. to 20.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

KPB ORAL ORDERS 17.11.2022

**M.A. No. 183/2022 in O.A. St. No. 2093/2019
(Rameshwar N. Gupta Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 09.12.2022 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

KPB ORAL ORDERS 17.11.2022

**ORIGINAL APPLICATION NO. 602 OF 2021
(Pravin N. Nemade Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri H.V. Patil, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 163 OF 2022
(Dr. Suhas S. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri Avinash Deshmukh, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present. Shri R.S. Pawar, learned Advocate for respondent No. 4, **absent**.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 236 OF 2021
(Vikram B. Garje Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 714 OF 2021
(Rahul G. Malsamindar Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.01.2023 for final hearing.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 638 OF 2015
(Harichandra D. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 822 OF 2018
(Virendra P. Dhivare Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 11.01.2023 for final hearing.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 188 OF 2019
(Nilkanth R. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 19.12.2022 for final hearing.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 365 OF 2019
(Nilesh W. Mahajan Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned Advocate for respondent No. 2, are present.

2. By consent of all the parties, S.O. to 16.01.2023 for final hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 564 OF 2019
(Vijay M. Lad Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned Counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned Advocate for respondent No. 5, are present.

2. By consent of all the parties, S.O. to 10.01.2023 for final hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1026 OF 2019
(Keshav M. Soundarmal Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar sur-rejoinder on behalf of respondent Nos. 1 to 3 to the rejoinder affidavit filed by the applicant. Same is taken on record and copy thereof has been served on the other side.

3. By consent of both the sides, S.O. to 22.11.2022 for final hearing.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1049 OF 2019
(Pralhad L. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 17.11.2022

ORAL ORDER :

Shri A.D. Kawre, learned Counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for respondent Nos. 4 & 5, are present.

2. By consent of all the parties, S.O. to 13.01.2023 for final hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 497 OF 2020
(Bhujang V. Godbole Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 16.01.2023 for final hearing.

VICE CHAIRMAN

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

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

DATE : 17.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 14.12.2022 for final hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 589 OF 2021
(Praful A. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 17.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.12.2022 for final hearing.

VICE CHAIRMAN