

ORIGINAL APPLICATION NO. 368/2017
(Bapu R. Lad Vs. State of Maharashtra & Ors.)

AND

ORIGINAL APPLICATION NO. 369/2017
(Rajeshwar G. Jukte Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.2.2022

ORAL ORDER :

Shri S.A. Deshmukh, learned Counsel for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the matters, are present.

2. Arguments of both the sides are heard finally. The matters are reserved for judgment.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 826/2021
(Baliram S. Sapkale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **17.2.2022**

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The affidavit in reply has not yet been filed by the respondents. The learned Counsel for the applicants has submitted that in special (A.C.B.) Case No. 15/2012, both the applicants have been acquitted by the Court of Additional Sessions Judge, Jalgaon vide judgment dated 18.3.2015. The learned Counsel further submits that the Government has preferred Criminal Appeal against the said decision before the Hon'ble High Court and the same is pending. The learned Counsel further submits that on the pretext that the Criminal Appeal is pending, till date the respondents have not released the provisional pension in favour of the applicants and have also not paid other benefits, which may be payable by putting certain conditions on the applicants. The learned

Counsel for applicant submits a copy of judgment of Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in W.P. No. 6650 of 2020, Ashfakali Khan Abdulaji Khan Vs. the State of Maharashtra and Others, delivered on 25.10.2021 to substantiate his arguments, which is taken on record.

3. The learned Presenting Officer is not in a position to state any contrary facts for the reason of not having any instructions in the matter.

4. It appears to us that, as the provisional pension has not been released till date, some directions are required to be given to the respondents. Even though the criminal appeal is pending, there is no impediment for releasing the provisional pension in favour of the applicants by taking an undertaking from the applicants that, if any such contingency arises, the amounts so released in their favour, would be recovered. We, therefore, direct the respondents to process the proposal for payment of provisional pension to the applicants and other benefits, which cannot be withheld in accordance with law by taking

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O.A. NO. 826/2021

usual undertaking from the applicants. The compliance of this order be reported by the next date.

5. S.O. to 23.3.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 362/2018
(Ganesh S. Rathod Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **17.2.2022**

ORAL ORDER :

Heard Shri Omkar Gholap, learned Counsel holding for Shri S.D. Joshi, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Today when the present matter was taken up for consideration, it is brought to our notice that though vide order dated 3.1.2022 the Tribunal directed the respondents to place on record some documents, they have not been placed on record till date.

3. The learned Presenting Officer submits that, today inadvertently the present matter has not been allotted to any of the learned P.Os.

4. In view of the fact that the order has been passed by the Tribunal on 3.1.2022, we believe that the concerned documents might have been received to the

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O.A. NO. 362/2018

learned P.O. In the interest of justice, we adjourn the matter to 11.3.2022.

5. We clarify that the learned Presenting Officer shall ascertain whether the concerned documents have been received to him. If the said documents have not been received he shall obtain the same from the concerned respondents and place the same on record by the next date. If on the next date, no documents as are directed by the Tribunal vide order dated 3.1.2022, are placed on record, the Tribunal without waiting for such documents may decide the matter on merit. If there is any constrain for the respondents for placing the said documents on record, the Deputy Director of Health Services, Aurangabad Region, Aurangabad shall personally remain present before the Tribunal on the next date.

6. S.O. to 11.3.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 341/2019
(Kamal R. Rathod & Ors. Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **17.2.2022**

ORAL ORDER :

Shri A.M. Nagarkar, learned Counsel for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 28.3.2022 for hearing.

3. The Registry to place M.A. No. 221/2018 in O.A. St. 1110/2018, O.A. NO. 589/2018, C.P. St. 1570/2018 in O.A. 702/2018, O.A. 702/2018, O.A. ST. 1110/2018 along with the present matter on the next date.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 398/2021
(Vasant R. Medhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 3 and Shri S.D. Dhongde, learned Counsel for respondent no. 2, are present.

2. Shri Dhongde, learned Counsel has filed affidavit in reply of respondent no. 2. It is taken on record and copy thereof has been supplied to other side.

3. The learned Presenting Officer has sought time for filing affidavit in reply of respondent nos. 1 & 3. Time granted.

4. S.O. to 28.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 731/2021
(Sunil L. Mali Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. The learned Presenting Officer has filed affidavit in reply of respondent nos. 1 to 4. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 28.3.2022 for hearing. In the meantime, it is open for the applicant to file rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 559/2021
(Swapnil P. Halkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.2.2022

ORAL ORDER :

Shri R.K. Ashtekar, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. The learned Presenting Officer has filed affidavit in reply of respondent nos. 2 & 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 28.3.2022 for hearing. In the meantime, it is open for the applicant to file rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 763/2021
(Sandip W. Khadse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri R.J. Nirmal, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. The learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 9.3.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 310/2021
(Gopinath B. Nalawade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.2.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Despite the service of the notice and due opportunities extended to the respondents for filing affidavit in reply, none of the respondents have filed the affidavit in reply. As is revealing from the contents of the application and the arguments advanced by the learned Counsel for the applicant, though the departmental enquiries conducted against the applicant have been completed and the quantum of punishment has also been determined, the matters are pending with the M.P.S.C. for its concurrence to the proposed punishment. The documents demonstrate that the proposal has been forwarded to the M.P.S.C. in the month of December, 2020, however, till date no response is received from the M.P.S.C. in that regard. As per the contention of the applicant for want of final

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O.A. NO. 310/2021

decision, the applicant is not yet received any pensionary benefits, though he has retired way back in the year 2012. As stated, the Department is unable to take the final action against the applicant for want of concurrence of M.P.S.C. The applicant has therefore filed this O.A. seeking direction against the M.P.S.C. to take decision on the proposal forwarded by the respondent no. 2 in relation to the D.Es. conducted against the applicant.

3. It appears to us that the M.P.S.C. must have communicated its decision by this time in view of the fact that the proposal is received to it more than a year before. In the circumstances, the applicant has certainly made out a case for allowing the request made by him in the O.A. In the result the following order is passed :-

ORDER

(1) The respondent no. 1, the M.P.S.C. is directed to decide the proposal forwarded to it by the respondent no. 2, the Public Works Department, Mumbai, in relation to the

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O.A. NO. 310/2021

departmental enquiries conducted against the applicant, within the period of 2 months from the date of this order and in turn respondent no. 2, the Public Works Department, Mumbai, shall communicate its final decision to the applicant, within a week thereafter.

(2) Original Application No. 310/2021 thus stands allowed in the aforesaid terms without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 126 OF 2020
(Dr. Sushilkumar B. Kendre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Shri Subhas V. Mundhe, learned Advocate for the applicant is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 28.03.2022.

MEMBER (J)

SAS ORAL ORDERS 17.02.2022

M.A.NO.199 OF 2020 IN O.A.ST.NO.317 OF 2020
(Shakuntala T. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

None present on behalf of the applicant.

Heard Shri N.U. Yadav, learned Presenting
Officer for the respondents.

2. As none present on behalf of the applicant, S.O.
to 28.03.2022.

MEMBER (J)

SAS ORAL ORDERS 17.02.2022

**M.A.NO.303 OF 2020 IN O.A.ST.NO.1051 OF 2020
(Bhagyashri N. Boinwad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Shri A.D. Hande, learned Advocate for the applicant is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 29.03.2022.

MEMBER (J)

SAS ORAL ORDERS 17.02.2022

**M.A.NO.323 OF 2021 IN O.A.NO.381 OF 2021
(Swapnil S. Shimpi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate holding for Shri P.S. Gaikwad, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.03.2022 for taking necessary steps for filing amendment application.

MEMBER (J)

SAS ORAL ORDERS 17.02.2022

**M.A.NO.67 OF 2022 IN O.A.ST.NO.196 OF 2022
(Aasaram P. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. Issue notice to the respondents in M.A., returnable on 30.03.2022

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.

//2// M.A.67/2022 in
O.A.St.No.196/22

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 30.03.2022.

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

MEMBER (J)

SAS ORAL ORDERS 17.02.2022

**M.A.NO.80 OF 2022 IN O.A.ST.NO.1811 OF 2021
(Vilas K. Shinde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 01.04.2022

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.

//2// M.A.80/2022 in
O.A.St.No.1811/21

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 01.04.2022.

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

MEMBER (J)

**ORIGINAL APPLICATION ST.NO.282 OF 2022
(Balaji S. Shrikhande Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. There is office objection that the applicant has not explained the clause for alternate remedy and not exhausted it.
3. Unless the applicant exhausted all the remedies, the applicant will not get jurisdiction to entertain the Original Application.
4. In view of same, the applicant to take necessary steps.
5. S.O. to 16.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.889 OF 2019
(Vijaykumar G. Birajdar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Udaykumar E. Hude, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that pleadings upto affidavit-in-rejoinder are complete.

3. The matter is pertaining to pensionary benefits. It is admitted and fixed for final hearing on 06.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.558 OF 2021
(Prakash S. Aghav-Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, 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, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 29.03.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

**M.A.NO.194 OF 2020 IN O.A.NO.174 OF 2020
(Ravindra P. Bibekar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri A.A. Khade, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 to 3 and Shri G.N. Patil, learned Advocate for the respondent No.4.

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

3. S.O. to 04.03.2022.

MEMBER (J)

SAS ORAL ORDERS 17.02.2022

**M.A.NO.81 OF 2022 IN O.A.NO.510 OF 2020
(Priyadarshi S. Maske Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Aashish Jadhavar, learned Advocate holding for Shri Vilas S. Panpatte, 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 31.03.2022.

MEMBER (J)

SAS ORAL ORDERS 17.02.2022

**ORIGINAL APPLICATION NO.429 OF 2021
(Vikas P. Tupare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The present matter is closed for order.

MEMBER (J)

ORIGINAL APPLICATION NO.507 OF 2021
(Sunil N. Khamitkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 & 2, Shri V.B. Wagh, learned Advocate holding for Shri U.B. Bondar, learned Advocate for the respondent No.3 and Shri P.R. Tandale, learned Advocate holding for Shri S.S. Manale, learned Advocate for the respondent No.4.

2. By consent of all the parties, 23.02.2022.
3. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO.889 OF 2018
(Sayyed Matinoddin Aminoddin Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. Short affidavit filed on behalf of the respondent Nos. 1 and 2 is taken on record and copy thereof has been served on the other side.
3. The present matter be treated as part heard.
4. S.O. to 01.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.478 OF 2019
(Dr. Anand S. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, 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 22.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.169 OF 2020
(Megha P. Kapure Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Shivraj V. 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 23.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.162 OF 2018
(Baliram B. Patil Vs. State of Maharashtra & Ors.)
WITH

ORIGINAL APPLICATION NO.163 OF 2018
(Prmod R. Kachare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicants both the O.As, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 & 2 in both the O.As, Smt. Sunita D. Shelke, learned Advocate for the respondent Nos.3 & 4 in O.A.No.162/2018 and Shri S.D. Dhongde, learned Advocate for the respondent Nos.3 & 4 in O.A.No.163/2018.

2. By consent of all the parties, S.O. to 22.03.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.1032/2019 & 563/2021
(Sadashiv Rathod & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. At the request and consent of both the parties, S.O. to 21-03-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.81/2020 IN O.A.ST.NO.2435/2019
(Dipali Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Shri A.D.Gadekar, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. Issue notices to the respondents in M.A., returnable on 28-03-2022.

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.

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M.A.NO.81/2020 IN O.A.ST.NO.2435/2019

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 28-03-2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 17.02.2022

M.A.NO.219/2021 IN O.A.NO.162/2019
M.A.NO.220/2021 IN O.A.NO.163/2019
M.A.NO.221/2021 IN O.A.NO.164/2019
M.A.NO.222/2021 IN O.A.NO.173/2019
M.A.NO.223/2021 IN O.A.NO.174/2019
M.A.NO.224/2021 IN O.A.NO.175/2019
M.A.NO.225/2021 IN O.A.NO.176/2019
M.A.NO.226/2021 IN O.A.NO.221/2019
(Mahadev R. Powar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.02.2022

ORAL ORDER :

Heard Ku. Anagha Pandit 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. By filing the present M.As. the applicants have sought to amend the O.As. by inserting some more grounds and one more prayer in the said applications. Learned Counsel for the applicants submits that since the applicants are taking exception to the note appended to Rule 4 of the Bombay Police (Discipline & Appeal) Rules, 1956, it is necessary for the applicants to seek quashment of the said note or else that will come in their way while prosecuting the matters for obtaining the relief which is prayed in the O.As. Learned Counsel further submits that by the proposed amendment no new case is made out and it is having relevance with the pleadings already made in the O.A.

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M.A.NO.219/2021 IN O.A.NO.162/2019 & Ors.

3. Learned P.O. has opposed for granting such amendment mentioning that it may amount to filling up lacuna which is in the O.As. and that is impermissible.

4. After having considered the submissions advanced by the learned Counsel for the applicants as well as the learned P.O., it does not appear to us that the amendment is sought with an intent to fill up lacuna, the pleadings are already there and since the applicants are seeking same relief which have some nexus with note appended to Rule 4 of the Bombay Police (Discipline & Appeal) Rules, 1956, it is shown that amendment is necessary and it is in consonance with the prayer. Therefore, we are inclined to allow the amendment application. Applicants to carry out the necessary amendment within 2 weeks from the date of this order. M.As. are disposed of accordingly with no order as to costs.

MEMBER (A)

MEMBER (J)

**O.A.NO.162/2019, O.A.NO.163/2019, O.A.NO.164/2019
O.A.NO.173/2019, O.A.NO.174/2019, O.A.NO.175/2019
O.A.NO.176/2019 & O.A.NO.221/2019
(Mahadev R. Powar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Heard Ku. Anagha Pandit 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. S.O. to 09-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.149/2022
(Sulochana Patare Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **17.02.2022**

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Issue notices to the respondents, returnable on 15-03-2022.

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.

=2=

O.A.NO.149/2022

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

7. S.O. to 15-03-2022.

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

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 17.02.2022

C.P.29/2020 IN O.A.NO.1014/2019
(Bade R. Shridhar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.02.2022

ORAL ORDER :

Shri A.S.Mirajgaonkar learned Advocate holding for Shri C.V.Dharurkar, learned Advocate for the applicant and Shri N.U.Yaadv, learned Presenting Officer for the respondents, are present.

2. When the present matter is taken up for consideration, learned P.O. has tendered copy of communication dated 16-02-2022 received to him, same is taken on record. Learned P.O. has submitted that positive steps are being taken in view of the directions given by this Tribunal, however, for coordinating with other departments of the Government some time is required. Therefore, learned P.O. has sought 4 weeks' time.

3. It appears to us that much time is consumed, however, by way of last chance, we adjourn the matter till 10-03-2022.

4. S.O. to 10-03-2022.

MEMBER (A)

MEMBER (J)

T.A.NO.04/2021 IN W.P.NO.8018/2020
T.A.NO.05/2021 IN W.P.NO.8019/2020
T.A.NO.06/2021 IN W.P.NO.8020/2020
(Pratik Phutane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.02.2022

ORAL ORDER :

Shri P.A.Rathod, learned Advocate for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 23-03-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.05/2021 IN O.A.ST.NO.778/2020
(Shridhar Kundatwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Shri R.D.Biradar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 23-03-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 17.02.2022

**ORIGINAL APPLICATION NO.14/2021
(Jaykumar Koli Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Shri A.S.Mirajgaonkar, learned Advocate holding for
Shri C.V.Dharurkar, learned Advocate for the applicant
and Shri S.K.Shirse, learned Presenting Officer for the
respondents, are present.

2. S.O. to 22-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.154/2021
(Surendra Gandam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Shri Satish Chitgopekar, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 10-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.721/2021
(Ashok Pagare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 14-03-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.61/2022 IN O.A.NO.115/2020
(Pravin Thakre Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.02.2022

ORAL ORDER :

Shri A.S.Mirajgaonkar learned Advocate holding for
Shri C.V.Dharurkar, learned Advocate for the applicant
and Shri S.K.Shirse, learned Presenting Officer for the
respondents, are present.

2. S.O. to 22-03-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 17.02.2022

O.A.NO.192/2019, 193/2019 & 194/2019
(Kashinath Soundalkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.02.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant,
Smt. Sanjivani Ghate, learned Presenting Officer for the
respondent authority and Shri S.B.Mene learned Advocate
for respondent nos.1 and 2, are present.

2. S.O. to 10-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.260/2019
(Mukund Jagtap Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **17.02.2022**

ORAL ORDER :

Shri A.S.Mirajgaonkar learned Advocate holding for
Shri C.V.Dharurkar, learned Advocate for the applicant
and Shri D.R.Patil, learned Presenting Officer for the
respondents, are present.

2. S.O. to 23-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.787/2019
(Laxman Huse Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **17.02.2022**

ORAL ORDER :

Shri Shritej Surve learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 17-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 185 OF 2020
(Baliram B. Mahale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is already filed on behalf of respondent Nos. 1, 3 & 4.
3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 2.
4. S.O. to 05.04.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 251 OF 2020
(Sandu R. Magar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 5. Same is taken on record and copy thereof has been served on the other side.
3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 4.
4. S.O. to 05.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 509 OF 2020
(Dr. Nomani Muhammed Mufti Tahir Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

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

3. S.O. to 05.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 328 OF 2021
(Vijaykumar G. Biradar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. Record shows that after filing affidavit in rejoinder, chances were granted to the respondents for filing affidavit in sur-rejoinder, but it is not filed.

3. In view of above, S.O. to 06.04.2022.

MEMBER (J)

KPB ORAL ORDERS 17.02.2022

ORIGINAL APPLICATION NO. 536 OF 2021
(Dnyaneshwar S. Andhale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 548 OF 2021
(Rajendra M. Gunjal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri A.T. Jadhavar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. Record shows that by the order dated 13.12.2021, the applicant was granted leave to amend the O.A. for brining subsequent events on record. However, it seems that the said order is not complied with by the applicant.

4. S.O. to 29.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2021
(Dr. Sonali T. Gadhave Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

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

3. S.O. to 29.03.2022.

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Y.H. Lagad, learned Advocate holding for Shri S.P. Salgar, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Pramod Pisal, learned Advocate for respondent Nos. 3 to 5.

2. Learned Advocate for respondent Nos. 3 to 5 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other sides.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 & 2.

4. S.O. to 29.03.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 710 OF 2021
(Shivshakti M. Kendre Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri P.A. Bharat, learned Advocate holding for Shri U.L. Momale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 22.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 746 OF 2021
(Tilottama U. Bhatkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

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

3. S.O. to 16.03.2022.

MEMBER (J)

KPB ORAL ORDERS 17.02.2022

ORIGINAL APPLICATION NO. 750 OF 2021
(Subhash B. Choudhary Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

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

3. S.O. to 16.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 06 OF 2022
(Ramesh N. Shahane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 14.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 14 OF 2022
(Baburao S. Mule & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Shri S.S. Thombre, learned Advocate for the applicants (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicants, S.O. to 30.03.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO. 70 OF 2022
(Ramkisan K. Mante Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 17.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 71 OF 2022
(Sampat D. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 17.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 72 OF 2022
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 17.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 74 OF 2022
(Siddiqui Mohd. Minhauddin Mohd. Sardauddin Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

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

3. S.O. to 30.03.2022.

MEMBER (J)

**M.A. No. 604/2019 in O.A. St. No. 2158/2019
(Venkat S. Mundhe Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

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

3. S.O. to 31.03.2022.

MEMBER (J)

KPB ORAL ORDERS 17.02.2022

**M.A. No. 244/2021 in O.A. St. No. 980/2021
(Prakash B. Kamble Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 & 2 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 31.03.2022 for filing rejoinder affidavit in M.A., if any.

MEMBER (J)

**M.A. No. 345/2021 in O.A. St. No. 1475/2021
(Anantrao V. Soudagar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Shri Mujahed Hussain, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri D.T. Devane, learned Advocate for respondent Nos. 3 & 4.

2. At the request of learned Presenting Officer for respondent Nos. 1 & 2 and learned Advocate for respondent Nos. 3 & 4, time is granted for filing affidavit in reply in M.A.

3. S.O. to 30.03.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 581 OF 2017
(Mangal S. Kathar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefits of time bound promotion.

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

4. S.O. to 28.03.2022.

MEMBER (J)

M.A. No. 209/2021 in O.A. No. 580/2017
(Subhamangal S. Bhakt Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate holding for Shri M.B. Kolpe, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 01.03.2022.

MEMBER (J)

KPB ORAL ORDERS 17.02.2022

ORIGINAL APPLICATION NO. 939 OF 2016
(Rajendra B. Salvi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 29.03.2022 for final hearing.

MEMBER (J)

M.A. 326/2021 in O.A. 581/2021 with Caveat 57/2021
(Dr. Aaliya Kausar Aziz Ahmed Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant in the present M.A. / respondent No. 6 in O.A., Shri J.M. Murkute, learned Advocate for the respondent No. 1 in the present M.A. /applicant in O.A. and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 2 to 5 in the present M.A. / respondent Nos. 1 to 4 in O.A. None present on behalf of respondent No. 6 in the present M.A. / respondent No. 5 in O.A., though duly served.

2. At the request of learned Advocate for respondent No. 1 in the present M.A. / applicant in O.A., S.O. to 08.03.2022.

MEMBER (J)

KPB ORAL ORDERS 17.02.2022

ORIGINAL APPLICATION NO. 416 OF 2019
(Arjun M. Maskar & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri K.C. Sonone, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicants, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 3.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefits of time bound promotion.

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

4. S.O. to 30.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 748 OF 2017
(Parasram N. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1, 2 , 4 to 6 and Smt. S.S. Bhuse, learned Advocate for respondent No. 5

2. At the request of learned Advocate for the applicant, S.O. to 06.04.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 88 OF 2021
(Dr. Rajesh K. Kasralikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed on behalf of respondent No. 2, who issued the suspension order.

3. Record further shows that by the order dated 17.02.2021, as well as, by the order dated 28.09.2021, the respondents were directed to take review of the suspension order. The said order was followed by the respondent No. 2. However, there are some objections. In that regard, learned Presenting Officer placed on record a copy of communication dated 05.01.2022 received from the review committee. Same is taken on record and marked as document 'X' for the purpose of identification.

4. In view of the same, learned Presenting Officer submits that time will be required for removing objections and he also seeks time for filing affidavit in reply on behalf of respondent No. 1. Time granted.

5. S.O. to 22.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 666 OF 2021
(Bhagwan R. Shewale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

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

2. The present Original Application is filed seeking direction to the respondent authorities to fix the pay of the applicant on the post of Sub Divisional Engineer as per the 6th and 7th Pay Commission and to regularize the suspension period i.e. 21.09.2015 to 17.05.2017 and to prepare the pension papers and forward the same to the Accountant General (A.G.) Mumbai-1 for sanction forthwith.

3. Record shows that the short affidavit is filed by the applicant, which is at paper book page Nos. 102 to 104. Record further shows that the affidavit in reply is not filed either to the Original Application or to the short affidavit filed by the applicant. As per the contentions raised in the short affidavit, the suspension period of the applicant from 21.09.2015 to 24.03.2017 is regularized vide Government Order

//2// O.A. No. 666/2021

dated 29.10.2021, which is produced at Annexure R-1, page No. 105 of the paper book. It is further stated that as per another Government Order dated 29.10.2021 (Annexure R-2, page No. 108 of paper book), the Departmental Enquiry, which was initiated against the applicant is closed.

4. In view of above, the learned Advocate for the applicant submits that the present Original Application can be disposed of by giving direction to the respondent authorities to prepare the pension papers of the applicant in accordance with law and to submit the same before the requisite authority.

5. Learned Chief Presenting Officer for the respondents on the other hand submitted that he has to verify the contentions raised by the applicant in short affidavit and therefore, he seeks time. Time granted.

6. S.O. to 24.02.2022.

MEMBER (J)

M.A.No. 360/2021 with M.A. St. 1292/2021 in M.A. No. 459/2019 in O.A. No. 618/2019

(Dhondiram G. Kamble deceased, through his Lrs. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri P.A. Bharat, learned Advocate holding for Shri U.L. Momale, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The Original Application No. 618/2019 is filed by the applicant i.e. Dhondiram Gangaram Kamble seeking refund of amount along with application for condonation of delay bearing M.A. No. 459/2019. During pendency of the said proceedings, the applicant Dhondiram Gangaram Kamble died on 11.04.2021 leaving behind applicants herein as heirs and legal representatives.

3. The applicants immediately initially filed M.A. St. No. 1292/2021 only for bringing themselves on record in place of deceased applicant Dhondiram Gangaram Kamble. The said application was made on or about 16.09.2021 i.e. beyond prescribed period of limitation. In fact, the said Original Application deemed to have been abetted, as no steps taken within prescribed

//2// M.A. 360/21 with M.A. St.
1292/2021 in M.A. 459/2019 in
O.A. 618/2019

period of limitation after death of the original applicant.

4. The applicants therefore have filed the M.A. No. 360/2021 seeking condonation of delay and setting aside abetment. It is a fact that the original applicant Dhondiram Gangaram Kamble died on 11.04.2021 i.e. during ongoing Covid-19 pandemic situation. However, there is an order of Hon'ble Apex Court in *sue-motu* petition that limitation period is extended, if the cause of action is arisen during the period from 15.03.2020 to 28.02.2022. The applicants claim to be heirs and legal representative of the deceased original applicant. Considering nature of relief sought, the right to sue would survive in the applicants. The cause of action being arose during pandemic, this is a fit case to condone the delay and set aside the abetment. In the result, I pass following order :-

ORDER

- (1) M.A. No. 360/2021 and M.A. St. No. 1292/2021 are allowed.

//3// M.A. 360/21 with M.A. St.
1292/2021 in M.A. 459/2019 in
O.A. 618/2019

- (2) The abetment order is quashed and set aside by condoning the delay and the names of the applicants are allowed to be brought on record in M.A. No. 459/2019, as well as, in O.A. No. 618/2019 as heirs and legal representatives of the deceased original applicant.
- (3) The necessary amendment be carried out within a period of two weeks and to serve amended copies on the respondents.
- (4) No order as to costs.

MEMBER (J)

M.A. No. 459/2019 in O.A. No. 618/2019
(Dhondiram G. Kamble deceased, through his Lrs. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 17.02.2022

ORAL ORDER :

Heard Shri P.A. Bharat, learned Advocate holding for Shri U.L. Momale, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. S.O. to 01.04.2022.

MEMBER (J)

KPB ORAL ORDERS 17.02.2022

DATE : 17.02.2022

ORIGINAL APPLICATION NO. 161 OF 2022

(Bharat A. Sawant Vs. The State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai-**

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 14.03.2022. The case be listed for admission hearing on **14.03.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

**ORIGINAL APPLICATION NO. 92 OF 2022
(Jayesh V. Dake Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned counsel for the applicant has sought leave of this Tribunal to amend the prayer clause 'B', whereby he intends to delete the words "No. 2" after the words "the respondent", since there is sole respondent. Leave to amend as prayed for by the applicant is granted. The applicant shall carry out the necessary amendment forthwith.

3. In the order passed on 3.2.2022 having regard to the urgency in the matter, the M.P.S.C. was directed to file affidavit in reply, in any case on or before today's date. The affidavit in reply has not been filed till today. However, learned C.P.O. submits that he is ready to argue the matter. Accordingly, the arguments are heard. Learned C.P.O. has, at this stage, submitted a copy of document entitled on "उमेदवारांना सर्वसाधारण सूचना; दि. १५ मे, २०२१", which is taken on record. Learned Chief Presenting Officer has

submitted that the applicant was suitably advised by the respondent through the document about online payment and, therefore, it is clear that the applicant has been negligent in observing the word of caution issued by M.P.S.C. in that regard.

4. The contention of the applicant is that it is inadvertent mistake on his part in ensuring that the examination fee had been credited to the account of M.P.S.C. and failing to notice that the said payment had bounced back to his own bank account after lapse of about 7 days. Learned counsel for the applicant submits that had it been noticed by the applicant at an earlier stage he would not have acted in a manner detrimental to his own interest. Learned counsel further submits that initially when the payment was made and the amount was debited from the account of the applicant it was bonafidely believed by the applicant that the amount debited from his account, must have been credited to the account of payee. Learned counsel in the circumstance has prayed for allowing the present application so that the applicant may get an opportunity to appear for the examination to compete further for selection of the posts, which are advertised.

5. Learned C.P.O. submits that in view of the specific directions given to the candidates, the present applicant was under obligation to ensure not only that he has made

payment online but to further ensure that the same has in fact been credited to the concerned payees' account and this is evidenced by generation of receipt for payment made. Learned C.P.O. has further submitted that the record filed by the applicant himself demonstrates that the amount was refunded to his account in November, 2021, and in that sense the applicant was negligent in protecting his own interest for which reason, the applicant is not entitled for any relief.

6. We have carefully considered the submissions in the present matter. From the documents filed on record there is reason to believe that on the date on which online application was filled by the applicant he has also paid fee online and the said amount was debited from his account. It is further true that nothing has been produced to show that the amount was credited to the MPSC's given account. On the contrary record produced demonstrates that the amount was refunded after one week. According to the applicant, there was a technical glitch because of which the amount could not be credited to the account of MPSC. Learned Chief Presenting Officer has resisted the said contention stating that there was no technical glitch in portal of MPSC and the applicant was under an obligation to ensure that the payment has been in fact credited to the MPSC's account.

7. Considering the rival submissions made by the parties, it is not possible to record any findings with a reasonable certainty whether technical glitch was the reason because of which the amount could not be credited to the account of MPSC. However, it cannot be ignored that on the date on which the applicant online filled application form and online made the payment of the examination fee, the amount was debited from the account of the applicant. This fact has not been denied or disputed by the learned Chief Presenting Officer. Moreover, the evidence on record also shows that the amount was debited from the account of the applicant. It is thus, evident that the day on which the application was filled in the applicant has also paid the examination fee online. It is true that the applicant must have shown some more diligence and must have seen that the receipt is also generated online, so as to confirm that the payment is received to MPSC. However, it does not appear to us that for the said reason the applicant is to be deprived from appearing in the examination. In O.A. No. 530/2021 decided by us on 28.1.2022 in similar set of facts we have passed the order in favour of the applicant therein. In the said matter also the plea of the technical glitch was raised by the applicant and was denied by the respondents. In the present matter, no prejudice is likely to be caused to the respondents if the present applicant is permitted to deposit the fee with MPSC and

MPSC is directed to accept his application form. Ultimately, the applicant will have to prove his merit in the said examination. In the circumstances, we are inclined to allow the present OA. Hence, the following order: -

ORDER

The present Original Application is allowed in terms of prayer clause 'B', which reads as follows: -

“B) By allowing this Original Application, the respondent may kindly be directed to accept the online application of the present applicant for Maharashtra Sub-Ordinate Services Non-Gazetted, Group-B Combine Preliminary Examination 2021.”

There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 614 OF 2021
(Varsha V. Malaskar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Pramod C. Mayure, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. It is brought to our notice that the respondent No. 2 has already filed affidavit in reply, and reply of the said respondent is only necessary.

3. In the circumstances, list the present case for hearing on 17.3.2022.

MEMBER (A)

MEMBER (J)

**C.P.NO. 1/2021 IN O.A.NO. 83/2018
(Vyankat S. More & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Today, when the present case is taken up for consideration, it is submitted by the learned counsel Shri K.M. Nagarkar appearing for the applicants that in spite of availing ample opportunities the affidavit in reply on behalf of the respondents has not yet been filed. Learned counsel submits that one applicant in the meanwhile has expired and other applicants are waiting for fruits of the order passed by this Tribunal.

3. Learned Presenting Officer submits that within two weeks he will seek compliance of the order passed by this Tribunal from the concerned respondent authorities.

4. S.O. to 10.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 94 OF 2022
(Anil M. Chavan & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Though the present case is shown in the category of await service, learned counsel appearing for the applicants submits that all the respondents are served and during the course of the day he will file affidavit of service.

3. Learned C.P.O. has sought time for filing affidavit in reply. Time granted.

4. S.O. to 14.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 157 OF 2020
(Rohidas T. Shinde Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Shritej Surve, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. It is brought to our notice that the reply has already been filed. Learned counsel for the applicant submits that during the course of the day he will file rejoinder affidavit. Learned counsel appearing for the applicant is directed to furnish the copy of the rejoinder affidavit to the learned Presenting Officer appearing in the matter. It would be open for the respondents to file sur-rejoinder, if any on or before the next date by supplying the copy in advance to the other side.

3. S.O. to 24.3.2022.

MEMBER (A)
ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Shritej Surve, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply on behalf of respondent No. 3. Time granted.

3. S.O. to 10.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 17.2.2022-HDD

**O.A.NOS. 758 & 769 BOTH OF 2021
(Sahas A. Pathak & Anr.. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Rahul O. Awasarmal, learned counsel for the applicants in both these cases and Shri B.S. Deokar, learned Presenting Officer for the respondents in both these cases, are present.

2. In both these cases, the learned Presenting Officer sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 23.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 688 OF 2021
(Eknath B. Parmeshwar Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Santosh S. Dambe, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 22.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 490 OF 2020
(Vivek S. Sonawane Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 17.2.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 491 OF 2020
(Rajnikant Dagdu Patil Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 72 OF 2020
(Shesherao D. Totwad Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 832 OF 2017
(Ramkrishan K. Mhaske & Anr. Vs. State of Maha. &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri K.C. Sonawane, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicants, S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 209 OF 2019
(Ramesh G. Verule Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri K.C. Sonawane, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**M.A.NO. 104/2020 IN O.A.ST.NO. 2118/2019
(Bhaurao Mahadu Ghane Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Ajay T. Kanawade, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 17.2.2022-HDD

**ORIGINAL APPLICATION NO. 995 OF 2019
(Dr. Dagajirao P. Patil Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Shritej Surve, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 13.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 372 OF 2019
(Dr. Sanjay V. Deshpande Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Shritej Surve, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.R Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 22.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 747 OF 2021
(Dr. Deepak V. Vasave Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 569 OF 2021
(Jagannath M. Jadhav Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 529 OF 2021
(Kishor Namdeo Salve Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

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

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

3. S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 294 OF 2021
(Shaikh K. Mustafa Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 29.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 293 OF 2021
(Dr. Khan Bushra Sultana Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

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

3. S.O. to 29.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 295 OF 2021
(Dr. Zohra Sultana Ataulah Khan Vs. State of Maha. &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 29.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 17.2.2022-HDD

**ORIGINAL APPLICATION NO. 383 OF 2020
(Sachin Dasa Maindale Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Omprakash Y. Kashid, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 22.3.2022.

MEMBER (A)
ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 385 OF 2020
(Rajinder Singh Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri R.D. Khadap, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 28.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

**ORIGINAL APPLICATION NO. 446 OF 2019
(Shridevi G. Dama & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Vishnu Dhoble, learned counsel for the applicants, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Sachin Deshmukh, learned counsel for respondent Nos. 4 & 5, are present.

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

3. S.O. to 28.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 17.2.2022-HDD

**ORIGINAL APPLICATION NO. 445 OF 2019
(Smt. Mangal P. Musande & Ors. Vs. State of Maha. &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Vishnu Dhoble, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Sachin Deshmukh, learned counsel for respondent Nos. 3 & 4, are present.

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

3. S.O. to 28.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 17.2.2022-HDD

**M.A.NO. 385/2021 IN O.A.NO. 555/2021
(Mahendra D. Suryawanshi Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri Suresh D. Dhongde, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri N.L. Choudhary, learned counsel for respondent Nos. 3 & 4, are present.

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

3. S.O. to 22.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 17.2.2022-HDD

**M.A.NO. 418/2021 IN O.A.ST.NO. 1247/2021
(Geeta Prakash Vaikar Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri S.R. Wakale, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 22.3.2022.

MEMBER (A)

ORAL ORDERS 17.2.2022-HDD

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 17.2.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Though the present case is not on today's board, on the request of learned counsel for the applicant for speaking to minutes in the order dated 15.2.2022, it is taken on board.

3. Learned counsel for the applicant has brought to our notice that in paragraph 2 of the order passed by this Tribunal on 15.2.2022, the words '24 grace marks' and '6 grace marks', needs to be corrected as "24% grace marks" and "6% grace marks" respectively. This fact brought out is found to be based on facts on records and, therefore, admissible.

4. The order be corrected accordingly and corrected copy be issued to the parties.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 15.2.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The applicant is working as Medical Officer at Primary Health Centre, Daithna, Tq. & Dist. Parbhani. He has passed M.B.B.S. in the year 2010. The applicant now intends to pursue the post-graduation and is claiming the admission on the seats meant for 'in service' candidates. Such candidates are given weightage if they had worked in tribal or rural area by way of grace marks. It is the contention of the applicant that though 24^{percent} grace marks are already given to him for the service rendered by him in rural area, he is also entitled for more 6^{percent} grace marks for service rendered by him in the same area but on ad hoc basis. His request for giving the said additional grace marks has been turned down stating that during the said period he did not work for a period of continuous one year in every said year.

* corrected as per order dt. 17/2/22 by the Hon'ble Tribunal in speaking to the minutes.

W.S. Subudh
F
21/2/22

3. Learned counsel pointed out that initially the applicant was appointed on ad hoc basis at Primary Health Centre, Jamb, Tq. & District Parbhani on 10.12.2012 and the said period expired on 19.11.2013. It is his further contention that thereafter another appointment was given to him at Primary Health Centre Dhanora, District Parbhani from 7.12.2013 again for 11 months up to 6.11.2014 and thereafter he was posted at Primary Health Centre, Waghala, Dist. Parbhani from 11.11.2014 till 15.5.2015. It is the contention of the applicant that the breaks were in fact technical breaks as per the prevailing practice. Learned counsel in the circumstances has prayed that the interim relief be granted in his favour since the date of finalizing the admission is 22.2.2022.

4. The submissions made by the learned counsel for the applicant are opposed by the learned Presenting Officer and he prayed for rejecting the request of the applicant for grant of interim relief pointing out that in the first appointment order dated 5.12.2012 itself it has been clarified that service rendered on the said post may not be considered as experience in case the applicant in future intends to pursue post-graduation as in-house candidate. In the circumstances, according to the learned Presenting Officer no case is made out for grant of any interim relief.

5. We have considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer. We have gone through the documents filed on record.

6. The experience certificate issued by the District Health Officer, Parbhani is filed on record by the applicant. One another certificate is also filed on record by the applicant. However, the same is undated though seems to be signed by the Health Officer, Zilla Parishad, Parbhani namely Dr. S.P. Deshmukh, wherein the details of the services rendered by the applicant on ad hoc basis are provided. From the said record, it reveals that at P.H.C. Jam, the applicant worked from 10.12.2012 to 19.11.2013 i.e. for the period of 11 months and 9 days. At P.H.C. Dhanora Kale, Tq. Purna, Dist. Parbhani, the applicant worked from 07.12.2013 to 06.11.2014. Thus, he worked there for the period of 11 months. Thereafter, he was appointed at P.H.C. Waghala, Tq. Pathri, Dist. Parbhani from 11.11.2014 to 15.05.2015.

7. We see no rational on part of the appointing authorities to give the appointment for the period less than one year when one of the criteria for getting grace marks is that the candidate concerned must have worked in the rural or tribal area for complete one year. If the certificate issued on 24.01.2022 is perused it creates an impression

that the applicant was continuously working from 10.12.2012 to 15.05.2015 and on the next date i.e. on 16.05.2015 he was given regular permanent appointment. Further we see no fault on the part of the applicant for not having completed one year complete service in every year of his ad hoc appointment. Therefore, *prima facie* it appears an unjust decision not to consider the said period for giving weightage by way of grace marks. Secondly, as mentioned by the applicant in his O.A. contents of which are sworn by him on affidavit, if similarly situated candidate namely Dr. Vipin Sing has been allotted the grace marks, who had also worked for 11 months as ad hoc appointee, there seems no reason for not giving the same treatment to the present applicant. As has been stated by the counsel for the applicant the admission process is in progress and the list of the candidates is scheduled to be published by 22.2.2022.

8. After having considered the facts as above, we find that the *prima facie* case is made out in favour of the applicant. Subject to outcome of the present O.A., we, therefore, direct the respondents to consider the period of the service rendered by the applicant on ad hoc basis in the rural area and accordingly provisionally allot him the adequate grace marks of the said period so that the applicant may not lose the opportunity of being considered for admission to the P.G. course on his merit.

9. Issue notice to respondents, returnable on 8.3.2022.
10. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
11. 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.
12. 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.
13. 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.
14. S.O. to 8.3.2022.
15. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)