

ORIGINAL APPLICATION NO. 748/2017

(Shri Parasram N. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 17.3.2023

ORAL ORDER :

Shri M.A. Manjramkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration, the learned Presenting Officer pointed out that in the present matter the Zilla Parishad, Nashik is contesting respondent and the record of Zilla Parishad will be deciding factor in the present matter. It is pointed out that Smt. S.S. Bhuse, learned counsel appearing for Zilla Parishad is absent today, however, on previous date she attended the matter punctually. Smt. Deshmukh, learned P.O. submitted that she will inform the next date to learned counsel Smt. Bhuse so that she can attend the matter.

3. S.O. to 13.4.2023.

VICE CHAIRMAN

M.A. NO. 114/2023 IN O.A. NO. 1099/2022
(Dr. Sapna H. Tallarwar Vs. State of Maharashtra & Ors.)
A N D
M.A. NO. 115/2023 IN O.A. NO. 1100/2022
(Dr. Namita B. Karwate Vs. State of Maharashtra & Ors.)

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

DATE : 17.3.2023

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicants in both the matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the matters, are present.

2. In the present matters the office has raised an objection that unless somebody is added as party in the O.As., it cannot be made party in the Misc. Applications filed in the said O.As. In the present matters the Original Applications are filed by the applicants seeking regularization of their services. The applicants are working as Medical Officers on ad-hoc basis since last couple of years. Every time the appointments for period of 120 days are issued and orders issued in their favour like this, the applicants have been working as ad-hoc Medical Officers for more than 7 years. In the said Original Applications, the Misc. Applications are now filed. In the Original Applications itself it was the

::-2-::

MA. 114/23 IN OA.1099/22
and Anr.

contention of the applicants that the respondents are intending to fill up 7 posts of Medical Officers again on ad-hoc basis.

3. In the circumstances, relying on the judgment of the Hon'ble Supreme Court in the case of **Manish Gupta & Anr. Etc. Etc. Vs. President, Jan Bhagidari Samiti & Ors. Etc. Etc., Civil Appeal Nos. 3084-3088 of 2022 (Arising out of Special Leave Petition (Civil) No. 12946-12950 of 2017)** dated 21.4.2022 an interim relief was sought that ad-hoc employees cannot be substituted with another ad-hoc appointees. Relying on this judgment this Tribunal has directed the respondents not to replace or appoint or substitute the ad-hoc appointees with another ad-hoc appointees. In spite of the order passed by the Tribunal as aforesaid in the M.A. it is the contention of the applicants that in pursuance of the advertisement published the respondents have appointed all 7 Medical Officers on ad-hoc basis. In the circumstances, the applicants have filed the present M.As. seeking stay to the implementation of the order of appointment issued in favour of these 7 persons till interim order passed by this Tribunal is complied with by the respondents. On

::-3-::

MA. 114/23 IN OA.1099/22
and Anr.

the Misc. Applications this Tribunal has passed first order of issuance of notice.

4. When the matter was before the Office for compliance of office objections, the office has raised objection that the parties who are in the M.As. are not parties in the O.As. According to the office all these persons require to be added first as party in O.As. and without that they cannot be made party in the M.As.

5. According to the learned counsel for the applicants, the applicants are not seeking any relief against the persons, who are added as respondents in the present M.As., in the O.As. It is further contended that though these persons may be necessary parties in the M.As., there is no propriety in adding them as party respondents in the O.As. since they are not necessary parties in the O.As. nor they can fall in the term of proper parties for adjudication of that petition. The learned counsel further submitted that there is no such rule also in existence, which mandates that the person unless is party in the O.A. cannot be impleaded as party in the M.A.

6. I have duly considered the submissions advanced on behalf of the learned counsel for the applicants. It

::-4-::

MA. 114/23 IN OA.1099/22
and Anr.

appears to me that insofar as the prayers made in the M.As. are concerned, the persons who are appointed as ad-hoc Medical Officers are certainly necessary parties for the reason that these persons are likely to be adversely affected, if any, order is passed in favour of the applicants in the M.As. However, insofar as the O.As. are concerned, therein the applicants are praying for their regularization on the basis of the continuous services rendered by these applicants for years together. While regularizing the services of the applicants consideration will be the period of service rendered by these applicants with the respondents on ad-hoc basis. Having regard to the relief, which is claimed in the O.As., it does not appear to me that the persons, who were not in employment of the respondents at the relevant time, who are now appointed as fresh for first time as has been contended by the applicants may not be necessary parties in the O.As.

7. In the circumstances, the applicants cannot be insisted to make the persons, who are made respondents in the present M.As. as respondents in the O.As. also. Office is directed not to insist for making the applicants as party respondents in the O.As. and act upon the

::-5-::

MA. 114/23 IN OA.1099/22
and Anr.

order passed by the tribunal of issuance notices to the respondents in the M.As.

8. S.O. to 23.3.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 17.3.2023

ORIGINAL APPLICATION NO. 457/2021

(Shri Sahil Arun Kankal Vs. State of Maharashtra & Ors.)

AND

ORIGINAL APPLICATION NO. 458/2021

(Shri Mahindra Kashinath Yangade Vs. State of Maharashtra & Ors.)

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

DATE : 17.3.2023

ORAL ORDER :

Heard Smt. Maya Jamdade, learned counsel for the applicants in both the matters and S/shri V.R. Bhumkar & B.D. Deokar, learned Presenting Officers for the respondent authorities in respective matters.

2. The learned counsel for the applicants on instructions submits that the applicants are not intending to prosecute the matter further and has sought leave to withdraw these matters. In view of the submissions following order is passed :-

ORDER

The Original Applications stand disposed of since withdrawn without any order as to the costs.

VICE CHAIRMAN

**M.A. NO. 362/2019 IN O.A. ST. NO. 1539/2019
(Shri Prakash Bhambre Vs. State of Maharashtra & Ors.)**

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

DATE : 17.3.2023

ORAL ORDER :

Shri Harish Bali, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that the applicant does wish to file rejoinder affidavit.

3. List the matter for hearing on 28.4.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 17.3.2023

**ORIGINAL APPLICATION NO. 584/2022
(Shri Balaji Kedare Vs. State of Maharashtra & Ors.)**

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

DATE : 17.3.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that the rejoinder affidavit is not to be filed.
3. List the matter for hearing on 12.6.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1021 OF 2022
(Madhav K. Khaarge Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri N.U. Yadadv, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, S.O. to 06.04.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 201 OF 2023

(Sharad S. Borse Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 29.03.2023.

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

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

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

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

7. S.O. to 29.03.2023.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 123/2023 IN O.A.ST.NO. 510/2023
(Navnath J. Devare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly 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 ST. NO. 510/2023
(Navnath J. Devare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 04.05.2023.
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 04.05.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

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

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

DATE : 17.03.2023

ORAL ORDER :

Shri M.R. Wagh, learned Advocate for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

M.A.NO. 103/2020 IN O.A.ST.NO. 146/2020
(Ramchandra N. Palmate Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

2. The present Misc. Application is closed for order.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

M.A.NO. 14 OF 2021 IN O.A.ST.NO.1471 OF 2020
(Varsha M. Kalyankar Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri A.S. Khedkar, learned Advocate holding for Shri K.B. Borde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, S.O. to 04.05.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

**M.A.No. 25 OF 2021 in O.A.No. 1100 OF 2019
(Yogesh S. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 17.03.2023

ORAL ORDER :

Shri G.K. Kshirsagar, learned Advocate for the applicants in M.A. No. 25/2021 & for respondent Nos.85 to 101 in O.A. (**Absent**). Shri Avinash Deshmukh, learned Advocate for the applicant in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these cases and Shri S.D. Joshi, learned Advocate for the respondent Nos. 102 to 105 in O.A., are present.

Shri S.S. Tope, learned Advocate for the respondent Nos.12 & 15 in O.A., Shri Sachin Randive, learned Advocate for the respondent Nos.18, 19, 22, 23, 24, 28 to 32, 34 to 37, 39 & 40, 42 in O.A. and Shri Amol P. Ghule Patil, learned Advocate for the respondent Nos.81 to 84 in O.A., are **absent**.

2. The Misc. Application be kept along with Original Application for hearing.

3. S.O. to 08.06.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 702 OF 2021
(Vivekanand P. Dhongade Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

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

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

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

O.A.NOS. 716, 634, 635 AND 636 ALL OF 2018
(Atul N. Shirke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri S. D. Joshi, 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.

2. S.O. to 11.04.2023 for re-hearing. **High on board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

ORIGINAL APPLICATION NO. 355 OF 2019
(Nagesh N. Unche & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri Sushil Patil, learned Advocate holding for Shri D.R. Irale-Patil, learned Advocate for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the respondent Nos. 3 to 5.

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

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 547 OF 2021
(Jalamsing D. Valvi Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

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

3. S.O. to 20.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 168 OF 2022
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned Advocate for the applicant, Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities and Shri A.N. Patil, learned Advocate holding for Shri S.S. Chapalgaonkar, learned Advocate for the respondent No.3.

2. S.O. to 20.04.2023 for hearing. **High on board.**
Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 197 OF 2022
(Abhijit V. Bharne Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri P.M. Gaikwad, learned Advocate holding for Shri G.K. Muneshwar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicant, S.O. to 12.04.2023 for hearing. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 851 OF 2009
(Sunita S. Sabu @ Sunita S. Pophale Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

2. S.O. 13.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

ORIGINAL APPLICATION NO. 432 OF 2017
(Kishan P. Ghodekar Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 12.04.2023 for final hearing. **High on board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

M.A.NO. 185/2021 IN O.A.NO. 257/2021
(Nanasaheb L. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

2. S.O. to 11.04.2023 for hearing. **High on board.**
3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

M.A.NO. 192/2021 IN O.A.NO. 258/2021
(Laxman N. Sormare Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. S.O. to 11.04.2023 for hearing. **High on board.**
3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

C.P.NO. 17 OF 2021 IN O.A.NO. 127 OF 2017
(Trimbak D. Tompe Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 25.04.2023 for further consideration. **High on board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

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 : 17.03.2023

ORAL ORDER :

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

2. At the request of the learned C.P.O., one more last chance is granted for filing affidavit in reply on behalf of the respondent Nos. 1 & 2, failing which the matter will proceed further without affidavit in reply of the respondent Nos. 1 & 2.

3. S.O. to 02.05.2023.

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 : 17.03.2023

ORAL ORDER :

Heard Shri S.S. Dambe, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. At the request of the learned Advocate for the applicants, 04.05.2023 for taking instructions.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

ORIGINAL APPLICATION NO. 774 OF 2021
(Ganesh L. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri S.A. Kulkarni, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondent Nos. 1 to 3. Hence, the matter will proceed further without affidavit in reply of the respondent Nos. 1 to 3.

3. S.O. to 27.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 107 OF 2023
(Sanjay V. Nagamwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

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

3. S.O. to 02.05.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

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

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri S.L. Bhapkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 4.

2. Record shows that the respondent Nos. 5 & 6 though they are duly served through the respondent No.1 i.e. M.P.S.C., they have not caused their appearance in this present matter.

3. Record further shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondent Nos. 1 to 4 when the matter is of urgent nature of recruitment.

4. The respondents and more particularly the respondent No.1 i.e. the M.P.S.C. is directed to place on record the copy of instructions as mentioned in the clause No.5 of the advertisement (Annexure 'A-3').

//2//

O.A.1159/2022

5. In the facts and circumstances, if any appointment is given to the respondent Nos. 5 & 6 it would be subject to outcome of this petition.

6. S.O. to 19.04.2023 as a last chance is granted for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

ORIGINAL APPLICATION NO. 140 OF 2020
(Shrikant K. Bhale Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue of designation is involved in the matter. Hence, hearing of this Original Application is expedited.

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

MEMBER (A)

MEMBER (J)

C.P.NO. 2 OF 2021 IN O.A.NO. 984 OF 2018
(Jaiprakash L. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Smt. Anita A. Gadekar, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for the respondent No.4.

2. Learned Advocate for the respondent No.4 placed on record the document contending that the compliance of order in question is made. The said document is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 20.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 920 OF 2019
(Dr. Datta M. Dhanve Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Smt. Archana Therokar, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Affidavit in reply filed on behalf of the respondent No.1 is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.06.2023 for filing affidavit in rejoinder, if any/for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 366 OF 2020
(Bharat L. Dhonde Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Heard Shri A.R. Pluley, learned Advocate holding for Shri Amol A. Kokad, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities. Shri Mahesh B. Ubale, learned Advocate for the respondent No.3, **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 08.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 225 OF 2021
(Surekha B. Andhale Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Affidavit in reply filed on behalf of the respondent Nos. 1 & 2 is taken on record along with extra copy for the applicant.
3. S.O. to 06.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 367 OF 2021
(Ganpat M. Khokale Vs. State of Maharashtra & Ors.)

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

DATE : 17.03.2023

ORAL ORDER :

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

2. Learned Advocate for the applicant submitted that the applicant has preferred appeal against the order in departmental proceeding before the authority of Director General of Police, Prisons and Correctional services, Maharashtra State, Byculla as per appeal memo at Annexure 'A-3' (page Nos.26 to 53).

3. This Tribunal by order dated 20.01.2021 (Annexure 'A-5') passed in O.A.No. 8/2021 filed by this applicant directed to the respondents to decide the said appeal preferred by the applicant on or before 31.03.2021 and communicate the decision to the applicant on or before 10.04.2021. However, the respondent Nos. 1 & 2 in their affidavit in reply in

//2//

O.A.367/2021

paragraph No. 10 have mentioned that the post of Director General of Police, Prisons and Correction Services, Maharashtra State, Mumbai has been abolished by the Government Resolution dated 26.02.2021.

4. In view of the same, learned C.P.O. to place on record the authority in which the powers of the said abolished post are vested by the next date so that effective order can be passed.

5. S.O. to 27.04.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 17.03.2023.

DATE : 17.03.2023

ORIGINAL APPLICATION NO. 225 OF 2023

(Nilesh B. Rathod Vs. The State of Maha. & Ors.)

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

1. Shri C.V. Dharurkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **24.04.2023**. The case be listed for admission hearing on **24.04.2023**.

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

DATE : 17.03.2023

ORIGINAL APPLICATION NO. 229 OF 2023

(Rajendra P. Sanap Vs. The State of Maha. & Ors.)

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

1. Shri V.T. Patil, learned Advocate holding for Shri O.Y. Kashid, learned Advocate for the applicant and Shri D.R. Patil, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **28.04.2023**. The case be listed for admission hearing on **28.04.2023**.

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

DATE : 17.03.2023

ORIGINAL APPLICATION NO. 228 OF 2023

(Dr. Sangita L. Rathod Vs. The State of Maha. & Ors.)

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

1. Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **24.04.2023**. The case be listed for admission hearing on **24.04.2023**.
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

DATE : 17.03.2023

ORIGINAL APPLICATION NO. 167 OF 2023

(Kailas B. Shinde Vs. The State of Maha. & Ors.)

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

1. Shri M.S. Karad, learned Advocate for the applicant and Shri N.U. Yadav, learned P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **25.04.2023**. The case be listed for admission hearing on **25.04.2023**.
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

