

**M.A. No. 348/2019 in O.A. St. No. 1436/2019
(Laxmibai Uttam Potdar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 10 months and 5 days caused for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned order dated 05.10.2017 issued by the respondent No. 1 i.e. the State of Maharashtra, Through its Secretary, Agriculture, Animal Husbandry, Dairy Development and Fisheries Department, Mumbai and consequential office order dated 05.01.2018 issued by the respondent No. 3 i.e. the General Manager, Government Milk Scheme, Parbhani, Dist. Parbhani, thereby not considering the absence period of the deceased husband of the applicant from duty from 09.06.1994 till 27.03.2008 for any purpose including for granting pensionary benefits.

2. Deceased husband of the applicant viz. Uttam Dattatray Potdar was working as Dairy Attendant, Class-IV with Government Milk Scheme at Udgir from 07.05.1975. In the year 1994, he was promoted to the

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post of Junior Clerk in Class-III category. In view of the promotion, he was posted at Government Milk Scheme, Parbhani. In the year 1986, he was transferred to Government Milk Scheme, Udgir. Since then he was working at Udgir. Again in the year 1991, he was transferred from Government Milk Scheme, Udgir to Government Milk Scheme, Bhoom, Dist. Osmanabad. Meanwhile, he was seriously ill. His illness continued till March, 2008. As per the order dated 27.03.2008, the respondent No. 2 permitted him to resume duty at Parbhani on vacant post. He retired on superannuation on 31.03.2008.

3. It is contended that due to serious illness, the deceased husband of the applicant was absent from duty from 28.10.1991 to 27.03.2008. However, his pension papers were not processed for grant of pension and pensionary benefits, after his retirement on superannuation on 31.03.2008.

4. Deceased husband of the applicant ultimately died on 29.04.2015 on account of illness at Latur. The applicant by making an application dated 24.11.2015 requested for pensionary benefits of her deceased husband and family pension. However, the

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respondents did not take any steps. The applicant therefore, filed W.P. No. 803/2016 before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad, thereby seeking pensionary benefits and family pension. The said W.P. No. 803/2016 was allowed by the order dated 08.08.2016 thereby directing the respondent Nos. 1 to 3 to regularize the absence period of the deceased husband of the applicant from duties from 28.10.1991 to 27.03.2008 and to grant pensionary benefits and family pension. The respondents were expected to take immediate steps for complying the order of the Hon'ble High Court. However, the respondents did not take necessary steps within a stipulated and reasonable period. In view of that, the applicant filed Contempt Petition No. 151/2017 in W.P. No. 803/2016 before the Hon'ble High Court. During pendency of the said C.P., the respondent No. 1 issued order dated 05.10.2017 and consequently the respondent No. 3 issued office order dated 05.01.2018 not considering the absence period of the deceased husband of the applicant from 09.06.1994 to 27.03.2008 for treating it as leave period and in fact stating that it was not to be considered for grant of pensionary benefits.

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Thereafter, the said C.P. No. 151/2017 came to be disposed of by the order dated 17.01.2019. Thereafter, the applicant filed W.P. No. 6494/2019 before the Hon'ble High Court of Bombay, Bench at Aurangabad challenging the impugned orders herein dated 05.10.2017 issued by the respondent No. 1 and office order dated 05.01.2018 issued by the respondent No. 3. The said W.P. came to be disposed of by the order dated 10.06.2019 observing that the applicant has the alternate remedy. Consequently, the applicant has filed the Original Application along with the present Misc. Application for condonation of delay on or about 18.07.2019. In view of above, it is the contention of the applicant that the delay is caused for filing the accompanying O.A. because the applicant was pursuing the remedies bona-fide. Hence, the present Misc. Application.

5. The affidavit in reply on behalf of respondent Nos. 1 to 3 is filed by one Shri Ramesh Bhaurao Salve, serving as In-charge Dairy Manager, Government Milk Scheme, Parbhani, thereby he denied all the adverse contentions raised in the present Misc. Application. He contended that the C.P. No. 151/2017 is disposed of

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by observing that the order passed in W.P. No. 803/2016 duly complied with. It is further contended that in view of disposal of C.P., there is a bar of res-judicata in pursuing the similar remedy. No sufficient cause has been shown by the applicant for condonation of inordinate delay in the M.A. Therefore, the present M.A. is liable to be dismissed.

6. I have heard the arguments advanced by Shri S.P. Dhoble, learned Advocate holding for Shri A.V. Patil (Indrale), learned Advocate for the applicant on one hand and S.K. Shirse, learned Presenting Officer for respondents on the other hand.

7. The orders sought to be impugned in the Original Application are the orders dated 05.10.2017 issued by the respondent No. 1 and consequential office order dated 05.01.2018 issued by the respondent No. 3. The said orders are in respect of absence period from duties of the deceased husband of the applicant from 09.06.1994 till 27.03.2008. It is a fact that the applicant preferred C.P. No. 151/2017 in respect of non-compliance of the order of the High Court passed in W.P. No. 803/2016. During pendency of the said C.P., the impugned orders came to be passed.

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Subsequently, C.P. came to be disposed of by the Hon'ble High Court by the order dated 17.01.2019. Prior to filing of this Original Application, the applicant filed W.P. No. 6494 of 2019 before the Hon'ble High Court challenging both the impugned orders. The said W.P. was disposed of by the order dated 10.06.2019 observing that alternate remedy is available to the applicant. In view of the same, prima-facie, it cannot be said that due to res-judicata, the Original Application sought to be filed by the applicant is not maintainable.

8. It is a fact that during the period of 2017 to 2019, the applicant was seeking bona-fide remedies in respect of the impugned orders as observed hereinabove. In these circumstances, though there is delay of about 10 months and 5 days caused in filing the O.A., most of the time was consumed by the applicant for pursuing the remedy bona-fide before the Hon'ble High Court. Hence, in my considered opinion, this is a fit case to condone the delay. Refusing to give indulgence in the matter is likely to defeat the cause of justice at the threshold. The said delay is not

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intentional and deliberate. Hence, I proceed to pass following order :-

ORDER

1. The M.A. No. 348/2019 is allowed.
2. The delay of 10 months and 5 days caused in filing the accompanying Original Application is hereby condoned.
3. Accordingly, the M.A. stands disposed of. The Registry is directed to register and number the accompanying O.A. in accordance with law by taking into account other office objection/s, if any.
4. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 201 OF 2021
(Vasant G. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 16.06.2022.

MEMBER (J)

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ORIGINAL APPLICATION NO. 216 OF 2021

(Keshav B. Bhalerao through his Lrs. Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri D.K. Dagadkhair, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 17.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 237 OF 2021
(Kakasaheb K. Thote Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Record shows that pleadings are complete. The present matter is pertaining to pension and pensionary benefits. Hence, the O.A. is admitted and it be fixed for final hearing on 17.06.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 489 OF 2021
(Sanjay N. Hange Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 5. None present on behalf of respondent No. 6, though duly served and also not filed affidavit in reply, though grant of opportunities.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 5.
3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.
4. S.O. to 09.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 550 OF 2021
(Shobha S. Bidhe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Record shows that pleadings are complete. The present matter is pertaining to compassionate appointment. Hence, the O.A. is admitted and it be fixed for final hearing on 16.06.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 609 OF 2021
(Nitin A. Mohane Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Record shows that pleadings are complete. The present matter is pertaining to transfer. Hence, the O.A. is admitted and it be fixed for final hearing on 17.06.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 616 OF 2021
(Mayus L. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Record shows that pleadings are complete. The present matter is pertaining to transfer. Hence, the O.A. is admitted and it be fixed for final hearing on 17.06.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

**M.A. No. 531/2019 in O.A. No. 542/2018
(Tukaram B. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri A.D. Raut, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 and 2. Shri R.B. Ade, learned Advocate for respondent No. 3 in O.A., **absent**.

2. Record shows that nobody is appearing on behalf of the applicant since last two dates i.e. on 21.12.2021 and 10.02.2022. In view of the same, it appears that the applicant is not interested in prosecuting the matter. Hence, the M.A. stands dismissed in default.

MEMBER (J)

**M.A. No. 120/2022 in O.A. No. 99/2018
(Sanjay R. Patange Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 21.04.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

**M.A. No. 197/2018 in O.A. St. No. 945/2018
(Musaddiq Ahmed Madni Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 07.06.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

**ORIGINAL APPLICATION NO. 79 OF 2021
(Anil S. Puranik Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that during pendency of the present O.A., the respondent Nos. 1 and 2 have undertaken the work of re-fixation of pay of the employees who are promoted from the post of Police Naik to the post of Police Head Constable. By the said repay fixation the said employees are held eligible for one increment after promotion. He submits that he will place on record requisite documents along with short affidavit during the course of the day and therefore, he seeks time. Time granted.

3. S.O. to 08.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 83 OF 2021
(Ashok R. Tonde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

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

3. In this Original Application, the applicants are challenging the impugned order dated 21.12.2020 issued by the respondent No. 5, whereby it is stated that the services of the applicants with the Zilla Parishad cannot be taken into consideration for pay protection as a State employee. In view of the same, necessarily the earlier pay fixation is revised and the pay is reduced in case of some of the employees holding the post of State Tax Inspector in the department of State GST. The applicants are also working in the State GST department.

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O.A. No. 83/2021

4. In view of the same, prima-facie, it appears that the present matter is covered under the category of subject 'Revision of Pay Scale' mentioned at Sr. No. 9, which is allotted to the Division Bench as per the office Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021.

5. In view of the same, the present matter be placed before the Hon'ble Division Bench for further hearing.

6. Learned Presenting Officer seeks time to file additional sur-rejoinder to the additional rejoinder affidavit filed by the applicants meanwhile. Time granted.

7. S.O. to 29.04.2022.

MEMBER (J)

**M.A. No. 318/2021 in O.A. No. 202/2017
(Ashok B. Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By this Misc. Application, the applicant is seeking amendment in the O.A. No. 202/2017.

3. The Original Application is filed seeking direction to the respondent authorities to confer the benefits of the G.R. dated 31.01.1996 w.e.f. 01.11.1994 with all consequential benefits and also seeking directions against the respondent No. 2 to decide the representation submitted by the Maharashtra Rajya Van Kamgar Kruti Samiti on 20.01.2016.

4. It is the case of the applicant that he entered into the service as Van Majoor on daily wages with the respondent No. 5 at Khultabad Range w.e.f. 01.09.1985. He was continued in service from time to time with technical breaks. However, he was not given benefits of G.R. dated 31.01.1996.

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M.A. 318/2021 in
O.A. 202/2017

5. The said O.A. was decided on merits by the order dated 07.08.2019, by which the same was dismissed. The applicant challenged the said order by filing W.P. No. 13684/2019 before the Hon'ble High Court of Judicature at Bombay, Bench of Aurangabad. By the order dated 15.06.2021, the said W.P. was decided and thereby the O.A. No. 202/2017 was revived for fresh adjudication by setting aside the order of dismissal dated 07.08.2019.

6. Now it is the contention of the applicant that after restoration of the said O.A. there are certain developments in the matter, which are relevant to the issues raised in the O.A. and the same are required to be brought on record by amending the Original Application No. 202/2017.

7. Learned Presenting Officer opposed the M.A.

8. Upon considering the proposed amendment, I find that thereby the applicant is seeking to place on record subsequent events, which are relevant to the issues raised in the O.A. The proposed amendment is not going to change the nature of original proceedings. In fact, the proposed amendment is just and necessary

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M.A. 318/2021 in
O.A. 202/2017

to determine the real question of controversy between the parties. Hence, I proceed to pass following order :-

ORDER

- (i) The M.A. No. 318/2021 is allowed.
- (ii) The applicant shall carry out the necessary amendment in the O.A. within a period of one week and to serve the amended copy of the O.A. to the other side.
- (iii) No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 543 OF 2021
(Sanjay G. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

2. The present matter has already been treated as part heard.
3. By consent of both the sides, S.O. to 22.04.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

O.A. Nos. 963/2018, 964/2018 & 965/2018
(Vitthal G. Mhashal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri R.J. Godbole, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. By consent of both the sides, S.O. to 05.05.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 961 OF 2019
(Sham Sudam Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 25.04.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 103 OF 2021
(Dr. Harishchandra T. Kokani Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 & 2. Shri Rakesh Jain, learned Advocate for respondent No. 3, **absent**.

2. Learned Presenting Officer placed on record a copy of the order dated 08.02.2022 issued by the Desk Officer, Maharashtra State. Same is taken on record and marked as document 'X' for the purpose of identification.

3. By consent of both the sides, S.O. to 20.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 116 OF 2017
(Dr. Dhanraj W. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri V.V. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 02.05.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 03 OF 2020
(Anil V. Lad Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri M.S. Karad, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri Avinash S. Deshmukh, learned Advocate for respondent no. 5.

2. As none present for the applicant, S.O. to 20.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 20 OF 2021
(Ramraje S. Chandane Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 28.04.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 30 OF 2021
(Kedarnath R. Budhwant Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.04.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 205 OF 2021
(Ramesh Y. Gunjal Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.04.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 350 OF 2020
(Ramraje G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 02.05.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 351 OF 2020
(Ramraje G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 02.05.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 352 OF 2020
(Ramraje G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Deeapli S. Deshpande, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 02.05.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 502 OF 2017

(Public Prosecutors' Association Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Learned Chief Presenting Officer submitted that the special allowance / requisite remuneration to the members of the applicant Association working in Morning Courts is being paid. He further submitted that the payment of requisite remuneration to the members of applicant Association working in Evening Courts is under consideration and in order to place on record updated position he seeks two weeks' time. Time granted.

3. S.O. to 04.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 116 OF 2018
(Sanjay M. Deokate Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. The present matter is to be treated as part heard.
3. By consent of both the sides, S.O. to 26.04.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO. 310 OF 2019
(Durgesh M. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. The present matter is to be treated as part heard.
3. By consent of both the sides, S.O. to 27.04.2022.

MEMBER (J)

KPB ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.867 OF 2019
(Rajkumar S. Padvi Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate holding for Shri I.D. Maniyar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Affidavit-in-rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.
3. S.O. to 15.06.2022 for admission.

MEMBER (J)

**ORIGINAL APPLICATION NO.67 OF 2020
(Bansi G. Bangar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Affidavits-in-reply filed on behalf of all the respondents are taken on record and copies thereof have been served on the other side.

3. S.O. to 15.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO.98 OF 2020 WITH
CAVEAT NO.78/2019
(Bhavana R. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent No.1. Shri Manish Bhambre, learned Advocate for the respondent No.2 (Caveator), is **absent**.

2. At the request of the learned C.P.O, time is granted for filing affidavit-in-reply on behalf of the respondent No.1.

3. S.O. to 15.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.99 OF 2020
(Jitendra M. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri M.R. Wagh, learned Advocate for the applicant, is **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 2.
3. Await service of notice on the respondent No.3.
4. The applicant to take necessary steps.
5. S.O. to 17.06.2022.

MEMBER (J)

**M.A.ST.NO.635 OF 2022 IN O.A.ST.NO.536 OF 2022
(Anna B. Holkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicants, S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

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

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

DATE : 18.04.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate holding for Smt. Vidya Taksal, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 14.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**ORIGINAL APPLICATION NO.336 OF 2021
(Raosaheb S. Bhosale Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri A.S. Khedkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent No.1. Shri S.B. Patil, learned Advocate for the respondent Nos.2 & 3, is **absent.**

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.365 OF 2021
(Prabhakar B. Jondhale Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri A.S. Khedkar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent No.1. Shri S.B. Patil, learned Advocate for the respondent Nos.2 & 3, is **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.189 OF 2021
(Sakharam C. Kashid Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri A.S. Khedkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent No.1. Shri S.B. Patil, learned Advocate for the respondent Nos.2 to 4, is **absent.**

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**ORIGINAL APPLICATION NO.214 OF 2021
(Ramnath N. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri A.S. Khedkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent No.1. Shri S.B. Patil, learned Advocate for the respondent Nos.2 & 3, is **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 16.06.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

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

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

DATE : 18.04.2022

ORAL ORDER :

Shri Anand D. Kaware, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondent Nos.1 to 3 & 6 and Shri S.D. Dhongde, learned Advocate for the respondent Nos.4 & 5.

2. In view of absence of learned Advocate for the applicant and at the request of the learned Advocate for the respondent Nos.4 & 5, S.O. to 17.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.166 OF 2021
(Suryakant V. Tatode Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri A.R. Barate, learned Advocate holding for Shri Sanjay A. Wakure, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that the pleadings are complete. The matter is pertaining to recovery of amount against the loss caused to the Government. It is admitted and fixed for final hearing.

3. S.O. to 17.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**ORIGINAL APPLICATION NO.141 OF 2020
(Anil D. Sanap Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Record shows that the pleadings are complete. The matter is pertaining to benefits of old pension scheme. It is admitted and fixed for final hearing.

3. S.O. to 17.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.502 OF 2020
(Shrikant B. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri V.G. Pingle, learned Advocate for the applicant has filed **leave note**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 16.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**ORIGINAL APPLICATION NO.965 OF 2019
(Ashok S. Birajdar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicant, is **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 07.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO.435 OF 2022
(Vedant V. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 08.06.2022.

MEMBER (J)

**M.A.NO.284 OF 2020 IN O.A.ST.NO.1213 OF 2020
(Sumanbai R. Tayde Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O. for the respondents, S.O. to 19.04.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**M.A.NO.148 OF 2022 IN O.A.ST.NO.595 OF 2022
(Rahul K.Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri Kishor Patil, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 10.06.2022.

MEMBER (J)

**M.A.NO.78 OF 2022 IN O.A.ST.NO.293 OF 2022
(Vaishali B. Tote Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

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

3. S.O. to 08.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

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

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri A.T. Jadhavar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 to 3. None present on behalf of respondent No.4, though duly served.

2. Record shows that the amendment in the Original Application was allowed as per order dated 13.12.2021. However, the said amendment is not carried out.

3. Learned Advocate for the applicant submits that he will carry out necessary amendment forthwith.

4. He is allowed to carry out amendment forthwith. The applicant to serve the copy of amended O.A. on the respondents.

5. S.O. to 10.06.2022.

MEMBER (J)

**M.A.NO.30 OF 2022 IN O.A.ST.NO.85 OF 2022
(Shitole B. Limbaji Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 16.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**M.A.NO.27 OF 2022 IN O.A.ST.NO.64 OF 2022
(Madhavi M. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents in M.A.
3. S.O. to 16.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**M.A.NO.209 OF 2021 IN O.A.NO.580 OF 2017
(Subhmangal S. Bhakt Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate holding for Shri M.B. Kolpe, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that during the course of the day he will file service affidavit.

3. S.O. to 10.06.2022 for filing affidavit-in-reply on behalf of the respondents.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**M.A.NO.80 OF 2021 IN O.A.ST.NO.157 OF 2021
(Digambar D. Vedpathak Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri Prasanna D. Dadpe, learned Advocate for the applicant, is **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Affidavit-in-reply filed on behalf of respondent Nos.2 and 3 is taken on record.
3. Learned P.O. for the respondents deposited extra copy of reply for the applicant.
4. S.O. to 10.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**M.A.NO.305 OF 2020 IN O.A.ST.NO.1228 OF 2020
(Dilipkumar R. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri Shivraj V. Deshmukh, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 09.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

M.A.NO.82 OF 2020 IN O.A.ST.NO.172 OF 2020
(Arshad Khan Gulab Khan Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri V.G. Pingle, learned Advocate for the applicant has filed **leave note**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 10.06.2022 for filing affidavit-in-rejoinder.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

**M.A.NO.230 OF 2019 IN O.A.ST.NO.903 OF 2019
(Sadashiv M. Sawai Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri A.D. Gadekar, 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, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.284 OF 2022
(Vikas S. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. The Original Application is filed seeking directions against the respondent No.1 and 2 to take decision on the representations dated 08.12.2020 (part of Annex. 'A-9') and 27.01.2021 (Annex. 'A-11') submitted to the respondent No.2 with regard to regularization of services of the applicant w.e.f. 08.03.1999 with all consequential benefits within a period of four months.

3. The Applicant was appointed as Craft Instructor (Welder) under the establishment of respondent No.2 on ad-hoc basis vide appointment order dated 11.12.1997 (Annex. 'A-1'). The Applicant was continued by issuance of fresh appointment orders from time to time by giving technical breaks.

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O.A.284/2022

4. The State Government issued Government Resolution dated 08.03.1999 (Annex. 'A-3') to regularize the services of the ad-hoc employees as one time measure.

5. Higher and Technical Education Department directed the respondents vide letter dated 13.12.1999 to take steps for regularization of ad-hoc employees. The Deputy Director, Vocational Education and Training, Aurangabad passed order dated 27.01.2000 (Annex. 'A-5') regularizing the services of the applicant w.e.f. 13.12.1999.

6. It is further contended that similarly situated employees approached this Hon'ble Tribunal by filing the Original Application No.749/1999 seeking regularization as per G.R. dated 08.03.1999. This Tribunal by order dated 02.09.2009 (Annex. 'A-6') allowed the Original Application and thereby the Respondents department regularized the services of those applicants w.e.f. 08.03.1999.

7. It is further contended that one Smt. Anju Vishwanath Kulal (Nirmal) and Shri Satish Bankatlal Chaparwal also filed O.A.No.678/1999 and

O.A.No.5/2000 seeking benefits of regularization from the date of Government Resolution. They were not granted similar relief of regularization w.e.f. 08.03.1999. Therefore, they approached Hon'ble High Court of Judicature of Bombay, Bench at Aurangabad by filing the Writ Petition No.4519/2016 praying for modification of the order dated 04.09.2009 and 05.03.2007. The Hon'ble High Court by order dated 29.06.2017 (Annex. 'A-7') allowed the said Writ Petition directing the respondent authorities to regularize the services of those applicants from the date of Government Resolution dated 08.03.1999.

8. Moreover, the Chief Secretary had issued circular dated 28.02.2017 (Annex. 'A-8') directing all the concerned departments to adhere to General Judicial Principles as per directions of Hon'ble MAT Mumbai in O.A.No.59/2016 and others decided on 14.12.2016. Thereafter, the applicant submitted representation dated 08.12.2020 (part of Annex. 'A-9' collectively) and 27.01.2021 (part of Annex. 'A-11') seeking regularization of services w.e.f. 08.03.1999.

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O.A.284/2022

9. In these facts and circumstances as above, this Original Application can be disposed of by giving appropriate directions to the Respondent Nos.1 & 2 to take decision in accordance with law on the representations dated 08.12.2020 and 27.01.2021 made by the applicant to the respondent No.2 with regard to the regularization of the services of the applicant w.e.f. 08.03.1999 with all consequential benefits, within a period of four months from the date of this order and communicate the decision to the applicant within a period of one month thereafter. Hence it is ordered accordingly.

10. The Original Application is disposed of accordingly with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.511 OF 2021
(Dr. Sujitkumar S. Randive Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 to 4. Shri Vinod M. Vibhute, learned Advocate for the respondent No.5, is **absent.**

2. This matter be placed before the Division Bench on 10.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.173 OF 2022
(Ajay G. Dawane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri V.P. Kadam, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that during the course of the day he will file affidavit-in-reply on behalf of the respondent No.3.
3. S.O. to 15.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.102 OF 2022
(Sumitrabai V. Adke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri D.G. Kamble, learned Advocate for the applicants, is **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicants, S.O. to 17.06.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.31 OF 2022
(Vijay R. Bangar Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 to 4. Shri Girish B. Kadlag, learned Advocate for the respondent No.5, is **absent.**

2. At the request of the learned P.O, time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 to 4.

3. S.O. to 16.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.611 OF 2021

(Sayyed Salim Sayyed Yaqub Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri Indranil Godsay, learned Advocate for the applicant, is **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 15.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.593 OF 2021
(Gajanan P. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent No.1 & 5. Shri D.T. Devane, learned Advocate for the respondent Nos.2 & 3, is **absent.**

2. Await service of notice on the respondent No.4.
3. At the request of the learned Advocate for the applicant, time is granted for filing service affidavit in respect of respondent No.4.
4. S.O. to 13.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.578 OF 2021
(Nanasaheb S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.

4. S.O. to 10.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO.541 OF 2021
(Dr. Mangesh M. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 to 3. Nobody is present on behalf of the respondent No.4, though duly served.

2. Learned P.O. appearing on behalf of the respondent Nos.1 to 3 placed on record the copy of transfer order dated 23.09.2021 issued by the respondent No.3 which shows that the applicant has been transferred from the post of Taluka Health Officer, Gangapur, Dist. Aurangabad to the post of Medical Officer, Primary Health Center, Babra Dist. Aurangabad. He also placed on record the copy of communication dated 24.09.2021 received from the applicant whereby the applicant has resumed at the transferred place. Both the copies are taken on record and marked as document 'X' collectively for the purpose of identifications.

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O.A.541/2021

3. The applicant in this Original Application has challenged the impugned transfer order dated 09.08.2021 (Annex. 'A-1') by which the respondent No.4 was transferred from the post of Taluka Health Officer, Buldhana to Taluka Health Officer, Gangapur, District Aurangabad in place of the applicant. The applicant, however, was not given posting. Now the applicant has been given posting as per above said order dated 23.09.2021.

4. In view of same, the Original Application has become infructuous. Hence, the Original Application stands disposed of accordingly. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO.444 OF 2021
(Shivkumar A. Pohal Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

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

3. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.431 OF 2021
(Sabirabi Harun Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Shri D.R. Irale Patil, learned Advocate for the applicant, is **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 and 2 and Shri Sartaj H. Pathan, learned Advocate for the respondent Nos.3 to 6.

2. Affidavit-in-reply filed on behalf of the respondent Nos.3 to 6 is taken on record.
3. Learned P.O. has deposited extra copy of reply for the applicant.
4. Record shows that the affidavit-in-reply is already filed on behalf of respondent Nos.1 & 2.
5. S.O. to 09.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO.382 OF 2021
(Shaikh Hafijoddin Hanifoddin Shaikh Vs. State of
Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri J.M. Murkute, learned Advocate for the applicant and Shri A.C. Deshpande, learned Advocate for the respondent Nos.3 & 4, are **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 & 2.

2. The service affidavit is not filed by the applicant.
3. In view of absence of learned Advocate for the applicant, S.O. to 17.06.2022 for taking necessary steps.

MEMBER (J)

**ORIGINAL APPLICATION NO.359 OF 2021
(Hajralee @ Nurbee Shaikh Nijam Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri Swapnil Mule, learned Advocate holding for Shri Ravindra V. Gore, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1,5 & 6 and Shri R.A. Sayyad, learned Advocate holding for Shri Abed M. Pathan, learned Advocate for the respondent No.7. Shri D.T. Devane, learned Advocate for the respondent Nos.2 to 4, is **absent**.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.4 & 5 separately.

3. Learned P.O. for the respondent Nos.1 & 6 and learned Advocate for the respondent No.7 seek time for filing affidavit-in-reply.

//2//

O.A.359/2021

4. Learned Advocate for the applicant opposed for granting time and submitted that the respondent No.7 is getting pension but he does not know as to since when she is getting pension. He submits that therefore the respondents are not filing the affidavit-in-reply.

5. Learned Advocate for the respondent No.7 submits that the pension is granted to the respondent No.7.

6. In view of above, last chance is granted to the said respondent Nos.1,6 and 7 for filing affidavit-in-reply.

7. S.O. to 09.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.223 OF 2021
(Babasaheb R. Warpe Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri Avinash S. Khedkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent No.1. Shri S.B. Patil, learned Advocate for the respondent Nos.2 & 3, is **absent.**

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

3. S.O. to 16.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.222 OF 2021
(Bhausahab A. Wigve Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri Avinash S. Khedkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent No.1. Shri S.B. Patil, learned Advocate for the respondent Nos.2 & 3, is **absent.**

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

3. S.O. to 16.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.11 OF 2021
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1,2 & 5. Shri G.N. Patil, learned Advocate for the respondent Nos.3 & 4, is **absent**.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of respondent No.2.

3. S.O. to 16.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.7 OF 2021
(Arun W. Thakur Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Affidavit-in-rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.
3. S.O. to 15.06.2022 for admission.

MEMBER (J)

**ORIGINAL APPLICATION NO.588 OF 2020
(Savita S. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Shri S.S. Shinde, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.
3. As none present on behalf of the applicant, S.O. to 16.06.2022 for taking necessary steps.

MEMBER (J)

**ORIGINAL APPLICATION NO.534 OF 2020
(Rajesh N. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that during the course of the day he will file affidavit-in-rejoinder.

3. S.O. to 16.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.476 OF 2020
(Laxmikant V. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

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

2. Affidavit-in-rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.06.2022 for admission.

MEMBER (J)

SAS ORAL ORDERS 18.04.2022

ORIGINAL APPLICATION NO.345 OF 2020
(Udhaysing D. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri Kishor Patil, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant placed on record written instruction received from the applicant by him for withdrawal of the Original Application. It is taken on record and marked as document 'X' for the purpose of identification.

3. Accordingly, learned Advocate for the applicant seeks permission to withdraw the Original Application.

4. I have no reason to refuse the permission to withdraw the Original Application when the withdrawal is sought unconditionally.

5. In view of above, the present Original Application stands disposed of as withdrawn. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO.333 OF 2020
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.04.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 & 3. Shri S.B. Patil, learned Advocate for the respondent No.2, is **absent**.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent No.2.
3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent No.3 as learned P.O. on the last occasion has submitted that the affidavit-in-reply of respondent No.1 is not necessary.
4. In view of above, last chance is granted to the respondent No.3 for filing affidavit-in-reply.
5. S.O. to 15.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 169 OF 2022
(Nisar Kha Abdullatif Kha Pathan Vs. State of Maha. & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri Sanket N. Suryawanshi, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. Since nobody appears for the applicant, S.O. to 5.5.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 290 OF 2022
(Aasif Kalekhan Parsuwale Vs. State of Maha. & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Heard Shri M.N. Kolhe, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned counsel for the applicant has tendered across the bar the copy of an advertisement published by Home Department on 30.11.2019. The same is taken on record.

3. Issue notices to the respondents, returnable on 8.6.2022.

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

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

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

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

8. S.O. to 8.6.2022.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 310 OF 2022
(Shivaji M. Deshmukh Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Heard Shri M.N. Kolhe, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 13.6.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 13.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 495 OF 2020
(Suyog D. Suradkar Vs. State of Maha. & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri Pramod A. Kulkarni, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. None appears for the applicant. Even on the previous dates no one has caused appearance for the applicant. The present matter be kept along with O.A. No. 961/2017.

3. S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

**O.A.NOS. 887, 888 & 890 ALL OF 2019
(Asim Kadar Rasool Attar & 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 : 18.4.2022

ORAL ORDER :

Shri Nitin P. Wangikar, learned counsel for the applicants (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, is present.

2. Learned counsel for the applicants is absent. None of the applicants is also present. On earlier two dates also none has appeared for the applicants. In the interest of justice, S.O. to 29.4.2022. If the matter is not proceeded on that date, the same shall be dismissed for want of prosecution.

3. Learned Chief Presenting Officer has tendered across the bar copies of two orders dated 23.3.2022 passed by the respondent No. 2, the Executive Engineer, Vigilance Cell, Irrigation Department, Aurangabad Zone, Aurangabad. The same are taken on record.

4. S.O. to 29.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 354 OF 2022
(Riyaj Mehmud Deshmukh Vs. State of Maha. & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 4.5.2022.

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

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

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

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

7. S.O. to 4.5.2022.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 343 OF 2022
(Dr. Satish Fulchand Rathod Vs. State of Maha. & Ors.)

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

DATE : 18.4.2022

ORAL ORDER :

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

2. It is brought to our notice that in the identical matter the Nagpur Bench of this Tribunal has issued interim order. After having gone through the pleadings and the documents on record, it appears that the applicant has made out *prima facie* case for grant of interim relief. Hence the following order: -

ORDER

1) Issue notice to the respondents, returnable on 27.6.2022. Effect and implementation of the impugned orders dated 17.3.2021 & 10.1.2022 shall stand temporarily stayed till the returnable date.

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

3. 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.

4. 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.

5. 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.

6. S.O. to 27.6.2022.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 617 OF 2022
(Ikramoddin K. Khatib Vs. State of Maha. & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Registry has raised objection in regard to limitation. The learned counsel has invited our attention to the order passed by the Hon'ble Division Bench of Bombay High Court Bench at Aurangabad in W.P. No. 1759/2019.

3. In view of the above, issue notices to the respondents, returnable on 17.6.2022. The issue in respect of limitation is kept open and the same may be considered at the time of hearing.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case

would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 17.6.2022.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 25 OF 2019
(Dnyaneshwar D. Kale Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned Presenting Officer, S.O. to 19.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 43 OF 2022
(Bismillabee J. Shaikh Vs. State of Maha. & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

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

2. Learned counsel for the applicant seeks leave of this Tribunal to correct the name of respondent No. 3. Leave granted. The necessary correction be carried out forthwith.

3. After carrying out the necessary amendment, issue fresh notice to the respondent No. 3, returnable on 23.6.2022.

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

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

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,

1988, and the questions such as limitation and alternate remedy are kept open.

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

8. S.O. to 23.6.2022.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 12 OF 2022
(Dr. Ganesh G. Kalyankar Vs. State of Maha. & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply. The request is opposed by the learned counsel for the applicant stating that due chances are already availed. However, in the interest of justice last chance is granted.

3. S.O. to 23.6.2022. It is made clear that if the affidavit in reply is not filed on the next date, the matter will be heard without affidavit in reply.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 268 OF 2022
(Chandrashekhar K. Mundhe & 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 : 18.4.2022

ORAL ORDER :

Shri Kalyan V. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 4.5.2022.

MEMBER (A)

MEMBER (J)

**O.A.NOS. 179, 180, 279, 280 & 346 ALL OF 2019
(Dr. Suryakant D. Sonkhedkar & 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 : 18.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri C.D. Biradar, learned counsel for respondent Nos. 3 & 4 in O.A. No. 279/2019, are present.

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

3. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

ORIGINAL APPLICATION NO. 312 OF 2019
(Dr. Ashok P. Misal Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

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

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

3. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 675 OF 2019
(Eknath C. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

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

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

3. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 18.4.2022

ORAL ORDER :

Shri Avinash S. Khedkar, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Sham B. Patil, learned counsel for respondent Nos. 4 & 5, are present.

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

3. S.O. to 14.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 334 OF 2021
(Madhuri B. Panzade Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri Jagdish K. Bansoe, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Solanke, learned counsel for respondent No. 3, are present.

2. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 424 OF 2021
(Dr. Vaibhav G. Wakade Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3, are present. Shri V.D. Patnoorkar, learned counsel for respondent No. 4 (**absent**).

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. At the request of learned Presenting Officer, S.O. to 22.6.2022 for filing affidavit in reply on behalf of respondent No. 2.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 564 OF 2021
(Sahas S. 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 : 18.4.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 641 OF 2021
(Nilesh V. Salunke Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri Gajanan Kadam, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 23.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 45 OF 2022
(Sanjay D. Pathrut & 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 : **18.4.2022**

ORAL ORDER :

Shri M.D. Narwadkar, learned counsel for the applicants (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 23.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 54 OF 2022
(Bhagwat S. Mane & 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 : **18.4.2022**

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants has filed leave note. Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

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

3. S.O. to 23.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 177 OF 2022
(Dr. Pravin K. Dhakne Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

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 has sought time for filing affidavit in reply. Time granted.

3. S.O. to 22.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 226 OF 2022
(Bhaskar V. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 252 OF 2022
(Dr. Sudhir V. Bhise Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 253 OF 2022
(Nagannath N. Waste Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 254 OF 2022
(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 : 18.4.2022

ORAL ORDER :

Shri A.W. Khadse, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

M.A.NO.249/2021 IN O.A.NO. 463/2019
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)

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

DATE : 18.4.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant has filed leave note. Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri G.N. Paitl, learned counsel for respondent Nos. 3 & 6 in O.A. No. 463/2019, are present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 10.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

**M.A.NO. 292/2021 IN O.A.ST.NO. 1215/2021
(Anil V. Mule Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri Rajendra N. Chavan, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 10.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

**M.A.NO. 307/2021 IN O.A.ST.NO. 1307/2021
(Trymbak V. Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Smt. Sunita D. Shelke, learned counsel for respondent Nos. 2 to 4, are present.

2. S.O. to 13.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

M.A.NO. 96/2022 IN O.A.ST.NO. 96/2022
(Panjabrao D. Bhosale & 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 : 18.4.2022

ORAL ORDER :

Shri Vikram Kadam, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 14.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

O.A.NOS. 149 TO 151 ALL OF 2020
(Vitthal S. Ambatwad & 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 : 18.4.2022

ORAL ORDER :

Shri Sanjay L. Bhapkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these matters, are present.

2. Learned counsel for the applicants submits that all these matters are identical. In O.A.Nos. 149 & 151 both of 2020 the respondents have filed affidavit in reply. However, in O.A. No. 150/2020 affidavit in reply has not yet filed. Learned C.P.O. seeks short accommodation for filing affidavit in reply. Request accepted.

3. S.O. to 9.6.2022. It is made clear that if the affidavit in reply is not filed on or before the next date, the matters shall be heard without affidavit in reply. Learned C.P.O. shall supply copy of the affidavit in reply to the learned counsel for the applicants in advance. Rejoinder affidavit, if any, is filed by the applicants to the said affidavit in reply, the office shall accept the same.

MEMBER (A)

MEMBER (J)

C.P.NO. 53/2019 IN O.A.NO. 207/2018
C.P.NO. 54/2019 IN O.A.NO. 338/2017
C.P.NO. 56/2019 IN O.A.NO. 421/2017
C.P.NO. 57/2019 IN O.A.NO. 335/2017
C.P.NO. 58/2019 IN O.A.NO. 23/2018
C.P.NO. 59/2019 IN O.A.NO. 423/2017
C.P.NO. 60/2019 IN O.A.NO. 422/2017
(Dr. Vinay P. Sonavne & 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 : 18.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri P.R. Tandale, learned counsel for respondent No. 5 in C.P. No. 54/2019 in O.A. No. 338/2018, are present.

2. At the request of learned counsel for the applicants, S.O. to 18.7.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

**ORIGINAL APPLICATION NO. 500 OF 2020
(Yeshwant K. Bhadare Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 439/2019 IN O.A.NO. 718/2019
(Sudhakar R. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri V.B. Wah, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

**ORIGINAL APPLICATION NO. 814 OF 2021
(Ramishan N. Fodkar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 397/2021 IN O.A.NO. 139/2021
(Sunil Ramrao Barse Vs. State of Maharashtra & Ors.)

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

DATE : 18.4.2022

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Vivek U. Rathod, learned counsel for respondent Nos. 6 & 7 in O.A. No. 139/2021, are present.

2. Learned counsel appearing for respondent Nos. 6 & 7 has filed affidavit in reply on behalf of the said respondents in O.A. No. 139/2021 and the same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer has sought time for filing affidavit in reply. The request is opposed by the learned counsel appearing for the applicant stating that due opportunities are already availed by the respondent authorities. However, in the interest of justice time is granted as a last chance for filing affidavit in reply. If the affidavit in reply is not filed on the next date the costs of Rs. 2000/- (Rs. two thousand only) will be imposed on the person who may be responsible for not filing the affidavit in reply.

4. S.O. to 5.5.2022.

MEMBER (A)

MEMBER (J)

**O.A.NO. 616/2019 WITH M.A.NO. 107/2020
(Waman Nivruti Bondar Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned counsel for the applicant submits that the applicant is reported to have expired. He submits that though the aforesaid information is received from the legal heirs of the deceased applicant no further instructions are received from them about prosecution of the matter further. In the circumstances, he has prayed for disposing of the O.A. & M.A. being abated. In view of the submissions made by the learned counsel for the applicant, the following order is passed: -

ORDER

The O.A. & M.A. both stand disposed of being abated. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 476 OF 2016
(Ashvini P. Gange Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri S.P. Dhoble, learned counsel holding for Shri A.V. Patil, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 81 OF 2020
(Sudarshan N. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned counsel Shri S.B. Solanke has submitted that he is appearing in the present matter on behalf of the applicant by obtaining necessary NOC from the earlier learned counsel Shri M.B. Bharaswadkar and sought time. Time granted.

3. S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 675 OF 2022
(Janardhan S. Dhayதாக Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. When the present matter is taken up for consideration our attention was invited to the office objection raised in regard to the jurisdiction of this Bench to entertain the present application. Learned counsel for the applicant strenuously urged that this Bench will have jurisdiction to entertain the present application since the letter in respect of cancellation of appointment of the applicant is received to him at his village Pathardi, which falls under the territorial jurisdiction of this Bench. However, having learnt the view of this Tribunal that this Bench may not have jurisdiction merely on the said ground, learned counsel seeks leave to withdraw the present O.A. with liberty to file the same at Principal Seat of this Tribunal at Mumbai.

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

:: - 2 - :: O.A. ST. NO. 675/2022

ORDER

The present Original Application stands disposed of since withdrawn with liberty to file the same before the Principal Seat of this Tribunal at Mumbai. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 18.4.2022-HDD

**ORIGINAL APPLICATION NO. 150 OF 2021
(Mayur P. Chavan Vs. State of Maha. & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. AT the request of learned counsel for the applicant, S.O. to 15.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 768/2019
(Shri Balasaheb T. Deshmukh Vs. State of Maharashtra
& Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.4.2022 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 137/2017
(Shri Namdeo S. Arsale Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. The arguments are heard. The learned Presenting Officer seeks time to place on record the vacancy position. Time granted.

3. S.O. to 25.4.2022. **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 25/2021

(Shri Shankar P. Dange Vs. State of Maharashtra & Ors.)

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

DATE : 18.4.2022

ORAL ORDER :

Shri Akshay Malviya along with Shri R.J. Nirmal, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.B. Jadhav, learned counsel for respondent no. 4, are present.

2. The arguments are heard. The matter stands reserved for orders.

MEMBER (A)

MEMBER (J)

**M.A. 271/2021 IN M.A. 95/2021 IN O.A. 170/2021
(Shri Shivkumar V. Chivde Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri J.P. Legal, learned counsel for respondent nos. 5, 6 & 7, are present.

2. Learned counsel for the applicant has filed rejoinder affidavit. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 15.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A. 272/2021 IN M.A. 96/2021 IN O.A. 171/2021
(Shri Shivkumar V. Chivde Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri J.P. Legal, learned counsel for respondent nos. 5, 6 & 7, are present.

2. Learned counsel for the applicant has filed rejoinder affidavit. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 15.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 482/2016
(Shri Harshal V. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 24.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 142/2017
(Shri Bajirao V. Chaudhari Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri A.D. Sugdare, learned Counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Smt. Sunita D. Shelke, learned counsel for respondent nos. 2 to 4, are present.

2. With the consent of both the Sides, S.O. to 24.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 18.4.2022

ORAL ORDER :

Shri D.T. Devane, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the Sides, S.O. to 24.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 374/2018
(Shri Girish B. Deshmukh Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the Sides, S.O. to 18.7.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 399/2018
(Shri Kantilal K. Golewal Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 27.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 569/2018
(Shri Prashant A. Bonge Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 5.5.2022
for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 732/2018
(Shri Akhtarkhan Shahjadekhan Pathan & 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 : **18.4.2022**

ORAL ORDER :

Smt. Suchita A. Dhongde, learned Counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the Sides, S.O. to 4.5.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 38/2019
(Shri Anant G. Munde Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned Counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent nos. 4 & 5, are present.

2. IInd set not filed

3. With the consent of both the Sides, S.O. to 28.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 53/2019
(Shri Dilip R. Pande & 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 : 18.4.2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned Counsel for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent nos. 4 to 9, are present.

2. IInd set not filed.

3. With the consent of both the Sides, S.O. to 28.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 71/2019
(Shri Anant N. Ballal & 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 : 18.4.2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned Counsel for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Smt. Suchita A. Dhongde, learned counsel holding for Shri S.D. Dhongde, learned counsel for respondent nos. 5 to 9, are present.

2. Ind set not filed.

3. With the consent of both the Sides, S.O. to 28.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 102/2019
(Shri Vishvas S. Thore Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Smt. Suchita A. Dhongde, learned counsel holding for Shri S.D. Dhongde, learned counsel for respondent nos. 2 & 3, are present.

2. With the consent of both the Sides, S.O. to 15.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 208/2019
(Shri Bhaskar P. Dole & 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 : 18.4.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned Counsel for the applicants, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Nandkishor U Yadav, learned counsel for respondent no. 4, are present.

2. With the consent of both the Sides, S.O. to 15.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 211/2019
(Shri Pramod S. Jaygaonkar Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. IInd set not filed.

3. With the consent of both the Sides, S.O. to 28.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 787/2019
(Shri Laxman P. 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 : **18.4.2022**

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 848/2019
(Shri Jitendra B. Bagal & 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 : 18.4.2022

ORAL ORDER :

Shri A.D. Sugdare, learned Counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the Sides, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1012/2019
(Shri Satish N. Badade Vs. State of Maharashtra & Ors.)

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

DATE : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1030/2019
(Dr. Jaya P. Dighe Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, Shri A.B. Rajkar, learned counsel for respondent nos. 5 to 12 & 14, Shri A.S. Shelke, learned counsel for respondent no. 15 and Shri N.S. Choudhary, learned counsel for respondent no. 13, are present.

2. With the consent of both the Sides, S.O. to 29.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 338/2021
(Shri Madhukar L. Dodake Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri K.G. Salunke, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Arguments are heard. The matter stands reserved for orders.

MEMBER (A)

MEMBER (J)

**C.P. 2/2021 IN O.A. 984/2018
(Jaiprakash L. Waghmare Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri A.D. Gadekar, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present. Shri S.D. Dhongde, learned counsel for respondent no. 4 (**absent**).

2. In view of absence of learned counsel for respondent no. 4, S.O. to 27.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

C.P. 9/2021 IN O.A. 70/2018
(Dadabhau T. Parte Vs. State of Maharashtra & Ors.)

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

DATE : 18.4.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 20.4.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 58/2020
(Shri Ritesh R. Kaware & 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 : 18.4.2022

ORAL ORDER :

Shri R.K. Ashtekar, learned Counsel for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent no. 4, are present.

2. Shri Deshmukh, learned counsel has tendered across the bar affidavit in reply for respondent no. 4. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 20.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 349/2021
(Shri Anil C. Hugge & 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 : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 20.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 335/2021
(Dyaneshwar B. Bulbule & 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 : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 14.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 37/2021

**(Shri Shriram B. Jadhav & 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 : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 14.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1029/2019
(Shri Suraj S. Bavat Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri M.S. Chaudhari, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned counsel for respondent no. 4, are present.

2. With the consent of both the Sides, S.O. to 23.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 815/2019
(Shri Rajendrakumar P. Barhate Vs. State of
Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri S.S. Deshmukh, learned Counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for respondent no. 4, are present.

2. With the consent of both the Sides, S.O. to 22.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 31/2019
(Shri Vivek P. Bhamre Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri Kunal A. Kale, learned Counsel for the applicant and Shri N.R. Dayama, learned counsel for respondent no. 4 (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for applicant and learned counsel for respondent no. 4, S.O. to 22.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**REV. 7/2019 IN M.A. 530/2019 IN O.A. ST. 2098/2019
(Shri Bharat G. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. Learned P.O. has filed reply for respondent no. 2. It is taken on record and copy thereof has been supplied to other side.

3. With the consent of both the Sides, S.O. to 22.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 614/2018
(Dr. Minakshi B. Pathak Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present. Shri Rahul Pawar, learned counsel for respondent nos. 4 & 5 (**absent**).

2. In view of absence of learned counsel for respondent nos. 4 & 5, S.O. to 21.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 567/2018
(Shubhangi M. Sonawane Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the Sides, S.O. to 29.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 786/2017
(Kailash A. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : **18.4.2022**

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the Sides, S.O. to 20.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 758/2017
(Shri Dadarao D. Borade Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. Ind set not filed.

3. With the consent of both the Sides, S.O. to 20.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 274/2017
(Shri Anil A. Beedkar & 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 : 18.4.2022

ORAL ORDER :

Shri Yogesh P. Deshmukh, learned Counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the Sides, S.O. to 20.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 132/2016
(Mandabai w/o late Govind Thakur Vs. State of
Maharashtra & Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

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

2. With the consent of both the Sides, S.O. to 21.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 303/2020
(Shri Sanjay D. Dongaonkar Vs. State of Maharashtra &
Ors.)**

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

DATE : 18.4.2022

ORAL ORDER :

Heard Shri P.N. Sonpethkar, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. By filing the present Original Application the applicant has prayed for quashment of the departmental proceedings initiated against him and to release the amounts of pension, gratuity and other retiral benefits. The learned counsel submitted that the applicant retired on 18.12.2018 and the charge sheet came to be issued on 7.2.2020 i.e. after his retirement. The learned counsel submits that on the date of retirement since charge sheet was not issued, the respondents have no right or authority to initiate departmental proceedings against the applicant after his retirement. It is further contended that even if the right of respondents to initiate departmental enquiry is accepted, in no case the enquiry can be conducted of the charges for the period preceding to 4 years of institution of said D.E. Learned counsel further submitted that in no case the respondents can withhold the amount of pension,

as well as, gratuity payable to the applicant on the ground that the departmental enquiry is pending against him.

3. The submissions so made by the learned counsel for the applicant are strongly opposed by the learned Presenting Officer. The learned Presenting Officer submitted that the applicant stood retired on 31.12.2018 and not on 18.12.2018. He further submitted that since the applicant has retired, the respondents by forwarding a proposal to the Government, have duly obtained permission for issuance of charge sheet and initiation of the departmental enquiry to inquire into the charges contained in the charge sheet. The learned Presenting Officer pointed out that upon grant of permission by the Government, the department has issued charge sheet against the applicant and departmental enquiry is initiated against him. Referring to provisions of rule 130 of M.C.S. (Pension) Rules, 1982 the learned Presenting Officer submitted that the provisional pension payable to the applicant is already sanctioned and other payable amounts are also released in his favour. He further submitted that the charges which are framed against the applicant are within 4 years from the date of institution of said charge sheet.

4. The learned counsel for the applicant has relied upon the following judgments in support of his contentions :-

(1) Judgment of Hon'ble Bombay High Court, Aurangabad Bench in Writ Petition No. 8690/2021 & the batch (Digambar s/o Dnyanoba Kolekar Vs. The State of Maharashtra & Ors.) dated 7.3.2022.

(2) Judgment delivered by M.A.T., Mumbai in Original Application No. 768/2018 (Shri Kondiba Ramling Nannaware Vs. The Commissioner, Dairy Development, M.S. Mumbai & Ors.) dated 24.4.2019.

(3) Judgment delivered by M.A.T., Mumbai in Original Application No. 279/2020 (Shri Shrikant Anant Shinde Vs. the State of Maharashtra & Ors.) dated 7.6.2021.

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

6. It is not in dispute that the departmental enquiry has been commenced against the applicant after his retirement on attaining the age of superannuation. However, rule 27 of M.C.S. (Pension) Rules, 1982, which reads as under,

“27. Right of Government to withhold or withdraw pension

(1) (Appointing Authority may), by order in writing, withhold or withdraw a pension or any part of it, whether permanently or for a specified period, and also order the recovery from such pension, the whole or part of any pecuniary loss caused to Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon reemployment after retirement:

Provided that the Maharashtra Public Service Commission shall be consulted before any final orders are passed in respect of officers holding posts within their purview: Provided further that where a part of pension is withheld or withdrawn, the amount of remaining pension shall not be reduced below the minimum fixed by Government.

(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his reemployment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service.

(b) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment-

(i) shall not be instituted save with the sanction of the Government,

(ii) shall not be in respect of any event which took place more than four years before such institution, and

(iii) shall be conducted by such authority and at such place as the Government may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.

(4) *In the case of a Government servant who has retired on attaining the age of Superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule 130 shall be sanctioned.*

(5) *Where Government decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not, subject to the provision of sub-rule (1) of this rule, ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.*

(6) *For the purpose of this rule-*

(a) *departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date: and*

(b) *judicial proceedings shall be deemed to be instituted-*

(i) *in the case of criminal proceedings, on the date on which the complaint or report of a police officer of which the Magistrate takes cognizance in made, and*

(ii) *in the case of civil proceedings, on the date of presenting the plaint in the Court. ”*

permits the respondents to initiate departmental enquiry against a retired Government employee after obtaining sanction from the Government. The respondents have placed on record the sanction accorded by the State

Government for initiating departmental enquiry against the present applicant and the said document has not been disputed by the applicant. It is the contention of the learned counsel for the applicant that the charges framed against the applicant are in respect of the event which took place more than four years before such institution.

7. The material on record reveals that the charges framed against the applicant are of the period which falls within 4 years preceding to date of institution of charge sheet. Thus, it does not appear to us that there was any hurdle for the respondents in initiating the departmental enquiry against the applicant. So far as retiral benefits are concerned, as has been submitted by the learned Presenting Officer, the provisional pension has been granted to the applicant. The learned counsel admits the said fact.

8. So far as the judgments, which are cited by the learned counsel in support of his contentions, do state that merely on the face of pending departmental enquiry it may not be advisable to withhold the retiral benefits. However, it appear to us that rule 130 of M.C.S. (Pension) Rules, 1982 gives authority to the Government for withholding of some amounts payable till decision in the departmental enquiry. Rule 130 of M.C.S. (Pension) Rules, 1982 reads as under,

“130. Provisional pension where departmental or judicial proceedings may be pending

(1) (a) *In respect of a Gazetted or Non-gazetted Government servant referred to in sub rule (4) of rule 27 the Head of Office shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant, or if he was under suspension on the date of retirement up to the date immediately preceding the date on which he was placed under suspension.*

(b) *The provisional pension shall be authorised by the Head of Office for a period of six months during the period commencing from the date of retirement unless the period is extended by the Audit Officer and such provisional pension shall be continued up to and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.*

(c) *No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.*

(Provided that where departmental proceedings have been instituted under Rule 10 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, for imposing any of the minor penalties specified in sub-clauses (i), (ii) and (iv) of clause (1) of Rule 5 of the said rules, the payment of gratuity shall be authorized to be paid to the Government Servant).

(2) *Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less*

than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.”

9. In the present matter, the D.E. has not been promptly initiated against the applicant and as has been submitted by the learned counsel still there is no progress in the said D.E. In the circumstances, it appear to us that the present matter can be disposed of by directing the respondents to complete the D.E. in all respect within 6 months from the date of this order. If the D.E. remains pending beyond said period, the applicant is at liberty to approach this Tribunal by reviving prayers made in the present O.A.

10. With the above directions the present Original Application stands disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)