

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Divison Bench*

**Before: - THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)**

**And**

**THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)**

**Date: -18/04/2023**

<b>Due Admission Matters</b>						
<b>19</b>	CP34/22 In OA78/21	A'nagar	Adv.K.B. Jadhav (Shubhangi Y Pawale) <b><u>Adv.Anuradha S Mantri</u></b> <b><u>For R.No.2</u></b>	Contempt Petition	For Admission Reply Filed by R-1 & R- 2	7.6.2023
<b>20</b>	OA852/17 With	J'gaon	Adv.Talekar& Associates (Nilesh D Kale) <b><u>Adv.S.S.</u></b> <b><u>Thombre/Adv.R.D.</u></b> <b><u>Khadap for R.No.5</u></b>	Appointment/ Selection List	Before Hon'ble High Court Pending	14.6.2023
<b>21</b>	OA853/17	J'gaon	Adv.Talekar& Associates (Ashish N Pardhe) <b><u>Adv.S.S.</u></b> <b><u>Thombre/Adv.R.D.</u></b> <b><u>Khadap for R.No.5</u></b>	Appointment/ Selection List	Before Hon'ble High Court Pending	14.6.2023
<b>22</b>	OA612/19 With Caveat53/19	Dhule	Adv.Yogesh B Bolkar (Harshal M Nagare&Ors.) <b><u>Adv.V.S. Bhale for</u></b> <b><u>Caveator</u></b> (Namedeo S Wagh)	Promotion	For Hearing Reply Filed by R-1 to R- 3	15.6.2023

23	OA913/19	Dhule	Adv.Y.B. Bolkar/ Adv.K.B. Jadhav (Shirish D Deshmukh&Ors.) <b><u>Adv.V.B. Wagh For R.Nos. 7 to 19 Adv.S.B. Deshpande for R.No.6</u></b>	Appointment	For Hearing Reply Filed by R-1	15.6.2023
24	OA78/20	Hingoli	Adv.MohitDeshmukh (Nagorao R Paikrao) <b><u>Adv.Shamsunder B Patil for R.Nos.3 to 5</u></b>	Promotion	For Hearing Reply Filed by R-1 to R-5	16.6.2023
25	OA128/21	Nanded	Adv.Ganesh V Mohekar (Pradeep M Thakkarwad)	Probation Period/ Minor Punishment	For Hearing Reply Filed by R-1 to R- 6	16.6.2023
26	OA47/22	A'nagar	Adv.S.D. Joshi (Sanjay V Sonawane)	Interivew	For Hearing Reply Filed by R-1 to R- 3	21.6.2023
27	OA281/22	A'bad	Adv.SuchitaDhongde (Kirti M Nagargoje)	Departmental Enquiry/ Recovery	For Admission Reply Filed by R-1 to R- 5	21.6.2023
<b>Final Hearing Matters</b>						
28	Rev08/17 In OA498/13	Latur	Adv.S.D. Joshi (Shivraj D Hawanna)	Review Petition		27.6.2023
29	OA817/17	Latur	Adv.Shamsunder B Patil (Dr.Vilas R Musale)	Termination	Reply Filed by R-1 to R- 3	28.6.2023
30	OA514/18	A'nagar	Adv.Mashesh S Taur (Saheberao G Avhad)	Selection/ Appointment	Reply Filed by R-1 to R- 3	28.6.2023
31	OA874/18	O'bad	Adv.Shrikant G Kawade/ Adv.A.M. Nagarkar (Shashikant S Yadav)	Seniority/ Promotion	Reply filed by R-3	30.06.2023

<b>32</b>	OA715/19	A'nagar	Adv.Sanotsh S Jadhavar (Sushma E Chaudhari)	Appointment	Reply Filed by R-1 & R- 2	6.6.2023
<b>33</b>	OA304/23	A'bad	Adv.A.S. Deshpande/ Adv. V.P. Potbhare (Samir M Morey)	Selection	Reply Filed by R-1 to R- 3	6.6.2023

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**Date: -18/04/2023 For Reply Board**

<b>Sr. No</b>	<b>Case No.</b>	<b>District</b>	<b>Advocate's &amp; Applicant's Name</b>	<b>Subject</b>	<b>Remarks</b>	<b>Next date</b>
<b>Due Admission Matters</b>						
<b>1</b>	OA227/21	A'nagar	Adv.Santosh S Jadhavar (Surekha B Andhale&Ors)	Promotion	For Filing Affidavit in Rejoinder	6.6.2023
<b>2</b>	OA519/22	A'bad	Adv C V Dharurkar/ AdvAjinkyaMirajgaonkar (Dnyaneshwar B Wdile)	Departmental Enquiry	For Filing Affidavit in Reply	6.6.2023
<b>3</b>	OA872/22	A'bad	Adv M A Golegaonkar (Suresh C Nargulla)	Show Cause Notice (Major Punishment)	Await Service	19.6.2023
<b>4</b>	OA876/22	N'bar	Adv A D Sugdare (Dr.Pravinkumar Y Thakare)	Advertisement	For Filing Affidavit in Reply	20.06.2023

5	OA882/22	P'bhani	Adv.S.B. Patil (Dr. Swati V Phad)	Eligibility	Await Service of Notice	21.6.2023
6	OA916/22	A'nagar	AdvSantosh S Jadhavar (Sushma E Chaudhari )	Appointment	For Filing Affidavit in Rejonder	6.6.2023
7	OA944/22	Nanded	Adv J M Murkute (Suresh D Machal)	Seniority List/ Promotion	Await Service	23.6.2023
8	OA1030/22	Dhule	Adv K B Jadhav (Ashok B Pawar&Ors.)	Promotion	For Filing Affidavit in Reply	19.6.2023
9	OA28/23	Latur	AdvTalekar& Associates (Vijay R Sarole) <b><u>Adv K F Shingare For R- 3</u></b>	Show Cause Notice/ Termination	For Filing Affidavit in Reply R-1,2 & R-4	16.6.2023
10	OA49/23	Dhule	Adv K B Jadhav (Sagar S Patil)	Departmental Enquiry	For Filing Affidavit in Reply	19.6.2023
11	OA206/23	A'nagar	Adv J B Choudhary (Anil R Jadhav)	Promotion	For Reply	16.6.2023
12	OA207/23	A'nagar	Adv J B Choudhary (Baliram T Barhe)	Promotion	For Reply	16.6.2023
13	OA208/23	A'nagar	Adv K B Jadhav (Suryabhan E Pawar)	Departmental Enquiry	For Filing Affiavit in Reply	14.06.2023
<b>Order Matters</b>						
14	MA263/22 In OAST986/22	Nanded	Adv B G Deshmukh (Vankat R Potdar) <b><u>Adv V V Ingle For R No.4</u></b>	M.A. For Condonation of Delay	For Filing Affidavit in Rejoinder	21.6.2023

<b>15</b>	MA286/21 In OAS860/21	O'bad	Adv D H Jadhavar (Pushpa S Waghmode)	M.A. For Condonation of Delay	Await Service of Notice	23.6.2023
<b>16</b>	MA324/22 In OAS1203/22	A'bad	Adv.S.S. Jadhavar (Trivin A Kulkarni)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	15.06.2023

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench*

**Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN**

**Date: -18/04/2023**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
<b>Regular Admission Matters</b>						
<b>1</b>	OA316/23	Dhule	Adv.S.D. Joshi (Abhijit V Deshpande)	Suspension	<b>Circulation</b>	28-04-2023
<b>Order Matters</b>						
<b>6</b>	MA366/18 In MAST1591/1 8 In OAST1592/18 With	A'bad	Adv.Ajay S. Deshpande (Dr.Ravindra A Daware&Ors)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R- 4	02-05-2023
<b>7</b>	MA295/19 In OAS993/19	A'bad	Adv.A.S. Deshpande (Vaishali S Sanap @ Vaishali A Nagargoje)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-2	23-06-2023
<b>8</b>	MA503/19 In OAS2016/19	Nanded	Adv.A.B. Rajkar (Amina Begum MaheboobShaikh)	M.A. For Condonation of Delay	For Hearing	20-06-2023

<b>9</b>	MA70/22 In OAS1830/21	Nanded	Adv.U.B. Deshmukh (Uttam C Rathod)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R- 3	30-06-2023
<b>Due Admission Matters</b>						
<b>10</b>	OA1096/19	J'gaon	Adv.D.K. Dagadkhair (Vikas D Wagh)	Upgradation of ACR	Reply Filed by R-2 & R- 3	27-06-2023
<b>11</b>	OA593/20	O'bad	Adv.Umakant P Giri (Yuvraj R Giri) <b><u>Adv.Yashwant P Jadhav</u></b> <b><u>for R.No.3</u></b>	Directions	For Hearing Reply Filed by R-1 & R- 2	20-06-2023
<b>12</b>	OA110/21	Hingoli	Adv.V.B. Wagh (Dr.Namdeo R Pawar)	Continuation	<b>For Further Consideratio n</b> Reply Filed by R-1 to R- 4	27-06-2023
<b>14</b>	OA464/21	A'bad	Adv.A.S. Deshmukh (Vilas K Hiwale)	Duty Period	For Hearing Reply Filed by R-1 to R- 4	21-06-2023
<b>17</b>	OA585/21	A'bad	Adv.D.K. Dagadkhair (Latabai D Avhad)	Arrears of Wages	Reply Filed by R-2 to R- 3	14-06-2023
<b>18</b>	OA160/22	J'gaon	Adv.AkshayKulkarni (Anant A Kendrekar)	Suspension Pertiod/ Monetary Beenfits	Reply Filed by R-1 & R- 2	21-06-2023
<b>21</b>	OA481/22	A'nagar	Adv.S.D. Joshi (Dhanwantsing H Saini)	Minor Punishment	For Hearing Reply Filed by Respondent	09-06-2023
<b>22</b>	OA634/22	N'bar	Adv.S.D. Joshi (Somnath R Baviskar)	Transfer	For Hearing Reply Filed	09-06-2023

					by R-1 to R-3	
23	OA845/22	O'bad	Adv.S.D. Joshi (Mayur M Kakade)	Compassionate Appointment	For Hearing Reply Filed by R-1 & R-2	09-06-2023
24	OA1018/22	N'bar	Adv.SuchitaDhongde (Mangilal N Shirsath)	Pension/ Regularization	For Hearing Reply Filed by R-2 & R-3	19-06-2023
25	OA1045/22	Dhule	Adv.Navin S Shah (Rajendra V Desale) <b><u>Adv.V.G. Pingle for R.No.4</u></b>	Police Patil	For Hearing Reply Filed by R-1 to R-4	22-06-2023
26	OA1046/22	Nanded	Adv.P.A. Kulkarni (Sangram G Shinde)	Revocation of Suspension	For Hearing Reply Filed by R-3 to R-5	07-06-2023
27	OA112/23	Latur	Adv.K.G. Salunke (Ajay L Sonkamble&Ors.)	Compassionate Appointment	For Hearing Reply Filed by R-2 & R-3	21-04-2023
28	OA113/23	Latur	Adv.K.G. Salunke (Vaibhav R Kakade)	Compassionate Appointment	For Hearing Reply Filed by R-2 & R-3	21-04-2023
29	OA139/23	N'bar	Adv.Y.B. Bolkar/ Adv.K.B. Jadhav (Atmaram M Pradhan)	Transfer	For Hearing Reply Filed by R-3 & R-4	25-04-2023
<b>Final Hearing Matters</b>						
30	OA580/18	Jalna	Adv.H.A. Joshi (Amol R Sakruskar) <b><u>Adv.Shamsunder B Patil for R.Nos.2 &amp; 3</u></b>	Compassionate Appointment	Reply Filed by R-2 to R-4	18-07-2023
31	OA710/18	Dhule	Adv.P.B. Patil (Rajendra S More)	Time Bound Promotion/ ACPS/ Deem Date of Promotion	Reply Filed by R-1 to R-5	16-06-2023
32	OA1012/19	Latur		Pay Scale/	Reply Filed	13-06-2023

			Adv.A.D. Sugdare (Satish N Badade)	Recovery	by R-1 to R-3	
33	OA1070/19	A'bad	Adv.V.G. Salgare/ Adv.P.B. Salunke (Suryabhan B Nagre) <b><u>Adv.Umesh S Mote for R.No.3</u></b>	Recovery/ Refund of Recovered Amount	Reply Filed by R-2	06-07-2023
34	OA29/20	Nanded	Adv.P.B. Rakhunde (ShaikhAkhatarHussainM ohd. Hanif)	Provision Pension/ Withholding of Pension &Gratuity	Reply Filed by R-2 & R-3	18-07-2023
35	OA128/20	A'bad	Adv.Manoj M Kadtu (Pandit V Sonawane)	Regularisation of Suspension period	Reply Filed by R-1 to R-3	07-07-2023
36	OA437/20	A'bad	Adv.K.B. Jadhav (Arjun D Kharat)	Interest on Delayed Payments/ Refund of Recovered Amount	Reply Filed by R-1 to R-5	12-07-2023
37	OA456/20	Nanded	Adv.Vaibhav B Dhage (Parvatibai B Mali)	Family Pension/ Pensionary Benefits	Reply Filed by R-1 to R-3	07-06-2023
38	OA496/20	A'bad	Adv.Avinash S Deshmukh (MohdAkifAbrarMohd. Abdul Rauf)	Seniority/ Deem date	Reply Filed by R-1 & R-2	20-06-2023
39	OA113/21	Nanded	Adv.V.B. Dhage (Vajinath B Navande)	Recovery/ Refund of Recovered Amount	Reply Filed by R-1, R-4 & R-5	07-06-2023
40	OA677/21	A'bad	Adv.SuchitaDhongde (Bharatlal B Navgire)	Recovery/ Pensionary Benefits	Reply Filed by R-1 to R-3	18-07-2023
41	OA832/21	Latur	Adv.S.P. Dhobale	Compassionate Appointment	Reply Filed by R-4	21-04-2023



			(Suraj B Solunke)			
42	OA39/22	Nanded	Adv.Vaibhav B Dhage (Vishal U Jadhav)	Directions/ Compassionate Appointment	Reply Filed by R-2 & R- 3	07-06-2023

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench*

**Before: - THE HON'BLE SHRI. P. R .BORA ,VICE CHAIRMAN**

**Date: -18/04/202**

**For Reply Board**

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject		Next date
<b>Due Admission Matters</b>						
1	OA834/19	A'bad	Adv V G Pingle (Ravikant R Hadoltikar) <b><u>Adv G N Patil For R- 2</u></b>	Interest on Delayed Payments	By Way of Last Chance For Filing Affidavit in Reply	30-06-2023
2	OA76/22	A'bad	Adv D K Dagadkhair (Ashok R Jawale)	Arrears of Wages/ Allowances	For Filing Affidavit in Rejoinder	14-06-2023
3	OA587/22	Latur	Adv A P Gunge (Kantilal S Shahane)	Recovery/ Refund of Recovered Amount	For Filing Affidavit in Rejoinder	16-06-2023
4	OA977/22	A'bad	Adv V B Wagh (Sheshrao K Chabukswar)	Extend the Benefits/ Equal Pay For Equal Works	For Filing Affidavit in Rejoinder	14-06-2023
5	OA978/22	A'bad	Adv V B Wagh (Ganesh J Kharadkar) <b><u>Adv Ajinkya S Reddy For R- 2</u></b>	Equal Pay For Equal Work Benefit	For Filing Affidavit in Reply	14-06-2023

<b>6</b>	OA1033/22	A'bad	Adv Sanjay N Pagare (Abhishek K Zine)	Compassionate Appointment	For Reply	28-06- 2023
<b>7</b>	OA1034/22	A'bad	Adv.Sanjay N Pagare (Sukha L Sathe)	Payment of Salary	For Reply	28-06-2023
<b>8</b>	OA151/23 With	O'bad	Adv D T Devane ( Navnath P Dhumal)	Increment	For Filing Affidavit in Reply	25-04-2023
<b>9</b>	OA152/23 With	O'bad	Adv D T Devane (Ravindra D Mohite)	Increment	For Filing Affidavit in Reply	25-04-2023
<b>10</b>	OA153/23 With	O'bad	Adv D T Devane (Madhukar T Gurav&Ors.)	Increment	For Filing Affidavit in Reply	25-04-2023
<b>11</b>	OA154/23	O'bad	Adv D T Devane (Suresh S Jangam&Ors.)	Increment	For Filing Affidavit in Reply	25-04-2023
<b>12</b>	OA159/23	Jalna	Adv S SJadhavar (Vinayak U Banchod)	Benefit of G. R	For Reply	06-06- 2023
<b>13</b>	OA168/23	Beed	Adv S SThombre (Ishwar V Dhiphale)	Direction/Back Wages of Termination Period	Await Service	28-06-2023
<b>14</b>	OA188/23	A'bad	Adv V B Wagh (Shaikh Rashid Shaikh Mohammad Hanif&Ors.)	Equal Pay For Equal Work	Await Service	14-06-2023
<b>15</b>	OA195/23	A'bad	Adv S SKulkarni/ V U Rathod (Sharmila V Shinde)	Transfer	For Reply	15-06-2023
<b>16</b>	OA197/23	Hingoli	Adv S B Solanke	Difference of Salary &	For Reply	23-06-2023

			(Dnyanoba L Dahiphale)	Allowances		
<b>17</b>	OA198/23	A'bad	Adv S B Solanke (Gunaji K Mundhe)	Benefit of A.C.P.S	For Reply	23-06-2023
<b>18</b>	OA199/23	A'bad	Adv V B Wagh (Madhav R More)	Revision of Pension	For Reply	15-06-2023
<b>19</b>	OA251/23	A'bad	AdvShaikhMazhar A. Jahagir (Ashok B Shejwal)	Compassionate Appointment	Await Service	02-05-2023
<b>20</b>	OA252/23	A'nagar	Adv A S Deshmukh (Balasaheb Y Dhanave)	Transfer	For Filing Affidavit in Reply	25-04-2023
<b>Order Matters</b>						
<b>21</b>	MA280/22 In OAST435/22	Nanded	Adv V G Salgare (Vedant V Joshi)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	05-06-2023
<b>22</b>	MA28/23 In OAST3099/22	Latur	Adv A V Patil(Indrale) (Jayshree S Waghmare&Ors.)	M.A. For Condonation of Delay	For Reply	05-06-2023

**M.A.NO. 177/2023 WITH M.A.NO. 542/2022 WITH  
M.A.NO. 261/2022 WITH M.A.NO. 257/2022 IN  
O.A.NO. 447/2022**

**(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri Mohit R. Deshmukh, learned Advocate for the applicants in M.A.No. 177 of 2023/Original Applicants, Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant in M.A. 542 of 2022/ intervenor and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

Shri R.R. Kale/Shri S.B. Bhosale, learned Advocate for the applicants in M.A.Nos. 261/2022 & M.A.Nos. 257/2022, are **(Absent)**.

2. The Original Applicants have made this application seeking to add two parties namely "The National Medical Commission, through it's

//2// M.A.177/2023 With  
M.A.542/2022 With  
M.A.261/2022 With  
M.A.257/2022 in  
O.A.447/2022

Secretary, Pocket 14, Sector-8 Dwarka, Phase-I, New Delhi-77” and “The Director, Sri Chitra Tirunal Institute for Medical Sciences and Technology, Trivendrum-695 011 and to issue specific directions to this newly added respondents to file affidavit in reply on the point as to whether Master of Public Health (MPH) of Sri Chitra Tirunal Institute for Medical Sciences and Technology, Trivendrum is a Post Graduate Degree as per Gazette Notification dated 08/12/2010 and 14/11/2022 read with Public Notice dated 15/12/2022 issued by National Medical Commission (Erstwhile Medical Council of India).

3. The Original Applicants have prayed for specific relief in the form of declaration that, Master of Public Health (MPH) Degree of the Sri Chitra

//3// M.A.177/2023 With  
M.A.542/2022 With  
M.A.261/2022 With  
M.A.257/2022 in  
O.A.447/2022

Tirunal Institute for Medical Sciences and Technology, Trivendrum is adequate Post Graduate qualification for promotion in District Health Officer Cadre, Group –A against 75% quota earmarked for Post Graduate Degree Holders as per Civil Surgeon Cadre, Group –A and District Health Officer Cadre, Group –A in the Maharashtra Health Services, Group-A (Recruitment) Rules, 2021.

4. There is no prayer for determination of equivalence of MPH Degree with MDPSM Degree. The respondents in their affidavit in reply attempted to bring on record the issue of equivalence. Hence, it is necessary to add these two parties for resolving the controversy of equivalence raised by the respondents.

//4// M.A.177/2023 With  
M.A.542/2022 With  
M.A.261/2022 With  
M.A.257/2022 in  
O.A.447/2022

5. Learned Advocate for the intervenors in M.A.No. 542/2022 opposed the application to the extent of prayer 'C' giving specific directions to newly added respondents to file affidavit in reply as prayed for.

6. After having considered the facts in the Original Application and more particularly the prayer in the Original Application, in our considered opinion, if two parties as sought for to be added by the Original Applicants in the Original Application is allowed, it will facilitate this Tribunal to adjudicate the controversy involved in the Original Application effectively.

7. Prayer 'C' in this application is relating to the controversy sought to be raised by the respondents.

//5// M.A.177/2023 With  
M.A.542/2022 With  
M.A.261/2022 With  
M.A.257/2022 in  
O.A.447/2022

In such circumstances, in our considered opinion, if this Misc. Application is allowed no irretrievable prejudice is likely to be caused to the intervenor or Respondents. Hence, following order:-

**ORDER**

- (i) The Misc. Application No. 177/2023 is allowed.
- (ii) The amendment be carried out forthwith.
- (iii) Issue notice to newly added respondents including prayer clause 'C', returnable on 13.06.2023, which is as follows:-

“Newly added respondents to file affidavit in reply on the point as to whether Master of Public Health (MPH) of Sri Chitra Tirunal Institute for Medical Sciences and Technology, Trivendrum is a Post Graduate Degree



//6// M.A.177/2023 With  
M.A.542/2022 With  
M.A.261/2022 With  
M.A.257/2022 in  
O.A.447/2022

as per Gazette Notification dated  
08/12/2010 and 14/11/2022 read with  
Public Notice dated 15/12/2022 issued  
by National Medical Commission  
(Erstwhile Medical Council of India).

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

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

//7// M.A.177/2023 With  
M.A.542/2022 With  
M.A.261/2022 With  
M.A.257/2022 in  
O.A.447/2022

(vi) 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.

(vii) 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.

(viii) S.O. to 13.06.2023.

(ix) Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 891 OF 2018**  
(Dr. Uddhav S. Khaire Vs. State of Maharashtra & Ors.)

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Dr. Uddhav S. Khaire, applicant in person and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 06.06.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 396/2022 IN O.A.ST.NO. 1438/2022**  
(Mohammad Hafiz Ur Ibadur RahemanVs. State of Maharashtra  
& Ors.)

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

**DATE : 18.04.2023**

**ORAL ORDER :**

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

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

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 18.04.2023

**M.A.NO. 62 /2022 IN O.A.ST.NO. 209 / 2022**  
(Vijay U. Kale Vs. State of Maharashtra & Ors.)

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

**DATE : 18.04.2023**

**ORAL ORDER :**

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

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

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 544 /2022 WITH O.A.NO. 762 / 2018**  
**(Maharashtra Rajya Bazar Samiti Karmachari Seva Nivrutti**  
**Vetan Yojana, Pune Through its CEO, Balasaheb G. Katore Vs.**  
**State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri V.V. Deshmukh, learned Advocate for the applicant/intervenor in M.A., Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.D. Joshi, learned Advocate for the applicants in O.A.No. 762 of 2018/respondent Nos. 1 to 38 in M.A.

2. Affidavit in rejoinder filed by the applicant/intervenor in M.A. to the affidavit in reply filed by the respondent Nos. 1 to 38 (Original Applicants) is taken on record and copies thereof have been served on the other sides.

3. The Original Application has already been treated as part heard.

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

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO. 95/2022 WITH O.A.NO. 97/2022**  
(Vijay U. Kale Vs. State of Maharashtra & Ors.)

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri G.M. Jadhav, learned Advocate for the applicant in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the O.As.

2. The present matters have already been treated as part heard.

3. S.O. to 14.06.2023. **High on board.**

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 263/2022 IN O.A.ST.NO. 986/2022**  
(Vankat R. Potdar Vs. State of Maharashtra & Ors.)

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri B.G. Deshmukh, learned Advocate for the applicant, Shri D.R. Patil learned Presenting Officer for the respondent authorities and Shri V.V. Ingle, learned Advocate for the respondent No.4.

2. Affidavit in reply filed on behalf of the respondent No.4 is taken on record and copy thereof has been served on the other sides.

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

4. S.O. to 21.06.2023.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 18.04.2023.



**DATE : 18.04.2023**

**ORIGINAL APPLICATION NO. 313 OF 2023**

**(Gopal Tukaram Joshi Vs. The State of Maha. & Ors.)**

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

1. Smt. Suchita Dhongde, learned Advocate for the applicants and Shri N.U. Yadav, learned P.O. for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on **04.05.2023**. The case be listed for admission hearing on **04.05.2023**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

**ORIGINAL APPLICATION NO.206/2023**  
**(Anil Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri J.B.Choudhary, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present. Peremptorily

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

3. S.O. to 16.06.2023. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.207/2023**  
**(Baliram Barhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri J.B.Choudhary, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 16.06.2023. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.111/2021 IN O.A.ST.NO.439/2021  
(Shivaji Kote & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Ku. Preeti Wankhade, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent authorities and Shri J.M.Murkute, learned Advocate for respondent nos.35, 50, 58 & 59, are present.

2. At the request of learned Advocate for the applicant, S.O. to 19-06-2023.

**MEMBER (A)**

**MEMBER (J)**

YUK ORAL ORDERS 18.04.2023.

**M.A.NO.561/2019 IN O.A.ST.NO.2250/2019**  
**(Ratish R. Manurkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri S.G.Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, S.O. to 19-06-2023.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.219/2022 IN O.A.NO.810/2021**  
**(Divisional Commissioner Nashik & Ors. Vs. Ganesh B. Agale)**

**M.A.NO.220/2022 IN O.A.NO.381/2021**  
**(Divisional Commissioner Nashik & Ors. Vs. Manjushree Deokar)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri V.B.Wagh, learned Advocate for the applicant in O.A. (respondent in M.A.) and Shri M.S.Mahajan, learned Presenting Officer for the respondent authorities in O.A. (applicant in M.A.), are present.

2. Shri V.B.Wagh, learned Advocate has filed rejoinder affidavit in O.A.No.381/2021 on behalf of the applicant in O.A. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 20.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.28/2023**  
**(Vijay Sarole Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Ku. Anagha Pandit, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present. Shri K.F.Shingare, learned Advocate for respondent no.3 is **absent**.

2. Learned P.O. has filed affidavit in reply on behalf of respondent nos.1 and 4. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 16.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.324/2022 IN O.A.ST.NO.203/2022**  
**(Trivin A. Kulkarni Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

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

2. Learned P.O. seeks time to file affidavit in reply. Time is granted as a last chance.

3. S.O. to 15.06.2023.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.916/2022**  
**(Sushma Chaudhari Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri S.S.Jadhavar, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate submits that the applicant does not wish to file rejoinder affidavit.

3. Hence, S.O. to 06.06.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

YUK ORAL ORDERS 18.04.2023.

**ORIGINAL APPLICATION NO.227/2021**  
**(Surekha Andhale & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri S.S.Jadhavar, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate submits that the applicant does not wish to file rejoinder affidavit.

3. Hence, S.O. to 06.06.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.648/2019**  
**(Kishor Deshpande Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri Saket Joshi, learned Advocate holding for  
Shri A.S.Deshmukh, learned Advocate for the  
applicant and Shri B.S.Deokar, learned Presenting  
Officer for the respondent authorities, are present.

2. S.O. to 25.04.2023.

**MEMBER (A)**

**MEMBER (J)**

YUK ORAL ORDERS 18.04.2023.

**ORIGINAL APPLICATION NO.208/2023**  
**(Suryabhan Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri K.B.Jadhav, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. This application is filed challenging the departmental enquiry initiated against the applicant by respondent no.3 as per the memorandum of chargesheet dated 22/24-05-2018 (Annexure A-3).

3. It is the grievance of the applicant that the departmental enquiry is not completed within the stipulated period. No requisite permission of the Government is taken seeking extension of time for completion of departmental enquiry.

4. Initially, notices were issued to the respondents as per order dated 16-03-2023 keeping the point of interim relief open. Notices are served on 31-03-2023. Thereafter, twice adjournments

were sought by the respondents for filing affidavit in reply. However, the affidavit in reply is not filed by the respondents.

5. Today, learned P.O. has placed on record communication dated 13-04-2023 received by the office of learned CPO from respondent no.3. It is contended that the departmental enquiry is going on, however, the aspect of requisite permission for extension of time is not dealt with as raised by the applicant in the O.A. In view of the same, in our considered opinion, **till filing the affidavit in reply by the respondents departmental enquiry initiated against the applicant is to be stayed.** Ordered accordingly.

6. S.O. to 14.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.1030/2022**  
**(Ashok Pawar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 19.06.2023.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.52/2022 IN O.A.ST.NO.1561/2021**  
**(Syed Imran Ahmed Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

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

2. Not on board. Taken on board. Learned Advocate for the applicant has mentioned this matter by putting on record Circulation Note seeking extension of time for payment of costs ordered as per order dated 01-03-2023 in M.A.No.52/2022 in O.A.St.No.1561/2021 filed by the applicant. Said application was allowed and delay was condoned by imposing costs of Rs.1000/- upon the applicant to be deposited within one month with Registry of this Tribunal.

3. It is contended that inadvertently the costs could not be deposited. Hence, he seeks extension of time for depositing the costs. In the interest of justice time is extended to deposit costs till 25-04-2023.

**MEMBER (A)**

**MEMBER (J)**

**REVIEW APPLICATION NO.01/2023 IN  
O.A.NO.295/2019 WITH C.P.NO.03/2021 WITH  
M.A.NO.141/2021  
(Maharashtra Rajya Hangami Hivtap Prayogshala  
Karmachari Sanghatna, Through its President, Bharat M.  
Tangade Vs. State of Maharashtra & Ors.)**

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

**DATE :** 18.04.2023

**ORAL ORDER :**

Ku. Preeti Wankhade, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notices to the respondents, returnable on 19.06.2023.

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

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

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

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

7. S.O. to 19.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**



**M.A.NO.184/2023 IN O.A.ST.NO.641/2023**  
**(Baburao Biradar Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Smt. A.N.Ansari, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. By this application, the applicant is seeking condonation of delay of 3 years, 10 months and 22 days caused in filing the accompanying O.A. under section 19 of the Administrative Tribunals Act challenging the impugned order dated 02-12-2016 (Annexure A-4) issued by respondent no.3 whereby the salary of the applicant was brought down by one step and consequential recovery order dated 30-12-2016 issued by the Deputy Dairy Manager i.e. respondent no.4.

3. Record shows that, initially show cause notice dated 25-04-2016 (Annexure A-1) was issued against the applicant under Rule 10 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. However, impugned major punishment as per Rule 8

=2=

M.A.NO.184/2023 IN O.A.ST.NO.641/2023

has been imposed upon the applicant. In these circumstances, we are of the opinion that the applicant has a good case on record which is required to be considered in the O.A.

4. Present application for condonation of delay caused in filing the accompanying O.A. is presented on or about 05-04-2023. Impugned punishment order dated 02-12-2016 (Annexure A-4) issued by respondent no.2 is under challenge. The applicant has contended that he preferred departmental appeal against the said order but that was filed beyond prescribed period of limitation and as such the said appeal was rejected on the ground of limitation by order dated 14-05-2018 (Annexure A-6). The applicant said to have preferred the appeal before the Hon'ble Minister of State as per appeal memo dated 01-08-2018 (Annexure A-8) which is pending. However, the departmental appeal is preferred after prescribed period of limitation.

5. In the circumstances as above, the cause of action arose for the applicant to file O.A. on 02-12-2017. The O.A. along with delay condonation

=3=

M.A.NO.184/2023 IN O.A.ST.NO.641/2023

application is filed on 05-04-2023. In the circumstances, there is delay of about 5 years and 3 months. However, the fact remains that the applicant's rights are being defeated and prima facie, case of the applicant is required to be considered. In these circumstances, refusing to condone the delay would defeat the cause of applicant at the threshold. Accordingly, the delay caused for filing the O.A. deserves to be condoned. Hence, the following order.

ORDER

- [i] M.A.No.184/2023 is allowed.
- [ii] Delay caused for filing the O.A. is hereby condoned.
- [iii] O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- [iv] No costs.

**MEMBER (A)**

**MEMBER (J)**

**O.A.ST.NO.641/2023**  
**(Baburao Biradar Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Smt. A.N.Ansari, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to the respondents, returnable on 20-06-2023.

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

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

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

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

7. S.O. to 20.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.310/2023**  
**(Prashant Karkhelikar Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 06.06.2023.

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

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

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

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

7. S.O. to 06.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.311/2023**  
**(Sanjay Zaware Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 21.06.2023.

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

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

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

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

7. S.O. to 21.06.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.173/2023 IN O.ANO.773/2022**  
**(Mangala V. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 28.04.2023.

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

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

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

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

7. S.O. to 28.04.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.118/2021 IN O.A.ST.NO.395/2021  
(Mira Avhad Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri S.S.Jadhavar, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. This application is made seeking condonation of delay of about 3 years and 17 days caused in filing the accompanying O.A. under section 19 of the Administrative Tribunals Act challenging the punishment order dated 20-03-2017 (Annexure A-5) issued by respondent no.3 and further impugned order dated 03-11-2017 (Annexure A-7) issued by respondent no.2 in departmental appeal whereby the appeal was dismissed. As per the said order dated 03-11-2017, the applicant was advised to file revision application, if any, against the said order within 60 days. The applicant has filed the revision application in December, 2017 (Annexure A-8).

3. Subsequently, respondent no.2 issued corrigendum dated 01-03-2019 (Annexure A-9)



stating that no revision is provided against the order in departmental appeal. Applicant received the said corrigendum order dated 01-03-2019 in May, 2019. Present delay condonation application is filed on or about 06-04-2021. Considering the facts on record, it is evident that after the impugned order dated 03-11-2017 (Annexure A-7) issued by respondent no.2 applicant bona fide persuaded his remedy in revision as asked for by filing the revision in December, 2017 itself. During the pendency of the said revision, corrigendum dated 01-03-2019 (Annexure A-9) was issued whereby it was mentioned that the remedy of revision is not available. In the circumstances, it is evident that the applicant was prosecuting his remedy of revision bona fide. No any negligence or mala fide intention can be attributed to the applicant in that regard. In view of the same, cause of action for filing the O.A. arose in May, 2020 after he received the corrigendum dated 01-03-2019.

4. It is the matter of record that there was CORONA pandemic situation from March, 2020 to July, 2021. In a *suo motu* petition the Hon'ble

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M.A.NO.118/2021 IN O.A.ST.NO.395/2021

Supreme Court has been pleased to hold that for the cause of action for filing any litigation in the pandemic period the point of limitation has to be exempted. If the date of filing of the present proceedings i.e. 06-04-2021 is considered, the proceedings are filed during the COVID 19 pandemic period. In view of the same, there is no delay in filing the accompanying O.A. Hence, the following order.

ORDER

- [i] M.A.No.118/2021 is allowed.
- [ii] Delay caused for filing the O.A. is hereby condoned.
- [iii] O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- [iv] No costs.

**MEMBER (A)**

**MEMBER (J)**

**O.A.ST.NO.395/2021**  
**(Mira Avhad Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri S.S.Jadhavar, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to the respondents, returnable on 16-06-2023.

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

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

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

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

7. S.O. to 16-06-2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.1387/2000**  
**(Prayagbai Ghule Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri A.D.Sugdare, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent authorities.

2. Reserved for order.

**MEMBER (A)**

**MEMBER (J)**

YUK ORAL ORDERS 18.04.2023.

**ORIGINAL APPLICATION NO.491/2013**  
**(Devidas Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Shri S.D.Joshi, learned Advocate for the applicant is **absent**.

Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities is present.

3. S.O. to 06.06.2023. Final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

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

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri J.B.Choudhary, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. Reserved for order.

**MEMBER (A)**

**MEMBER (J)**

YUK ORAL ORDERS 18.04.2023.

**ORIGINAL APPLICATION NO.355/2016**  
**(Shaikh Jamil Fakir Saheb Vs. State of Maharashtra &**  
**Ors.)**

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

**DATE : 18.04.2023**

**ORAL ORDER :**

Heard Shri D.T.Devane, learned Counsel holding for Shri V.D.Gunale, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

Shri N.S.Kadam, learned Advocate for respondent nos.3 and 4 is **absent**.

2. Arguments are heard. **Part heard**.

3. S.O. to 27.04.2023. Final hearing peremptorily.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 834 OF 2019  
(Ravikant R. Hadoltikar Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Shri V.G. Pingle, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent No. 2, are present.

2. Learned Presenting Officer submits that respondent No. 1 may not file any separate affidavit in reply and is adopting reply filed on behalf of respondent No. 2. The matter shall, therefore, be listed for hearing on 30.6.2023.

3. S.O. to 30.6.2023.

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 168 OF 2023**  
**(Ishwar V. Dhiphale Vs. State of Maharashtra & Ors.)**

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

**DATE :** **18.4.2023**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, reissue notices to the respondents, returnable on 28.6.2023.

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

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

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

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

7. S.O. to 28.6.2023.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 252 OF 2023  
(Balasaheb Y Dhanave Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

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

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of the respondents will be filed and copy of the same will be served on the learned counsel for the applicant. Submission accepted.

3. List the matter for hearing on 25.4.2023. Status quo granted earlier to continue till then.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 977 OF 2022  
(Sheshrao K. Chabukswar Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Shri V.B. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The present case is wrongly shown for filing rejoinder affidavit. It is noticed that affidavit in reply is not yet filed and now time is granted till 14.6.2023 by way of last chance at the request of learned C.P.O. for filing affidavit in reply.

**VICE CHAIRMAN**

ORAL ORDER 18.4.2023-HDD

**ORIGINAL APPLICATION NO. 978 OF 2022  
(Ganesh J. Kharadkar Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Shri V.B. Wagh, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Ajinkya S. Reddy, learned counsel for respondent No. 2, are present.

2. At the request of learned Presenting Officer time till 14.6.2023 is granted by way of last chance for filing affidavit in reply.

**VICE CHAIRMAN**

ORAL ORDER 18.4.2023-HDD

**ORIGINAL APPLICATION NO. 188 OF 2023  
(Shaikh Rashid Shaikh Mohammad Hanif & Ors. Vs.  
State of Maharashtra & Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer time till 14.6.2023 is granted by way of last chance for filing affidavit in reply.

**VICE CHAIRMAN**

ORAL ORDER 18.4.2023-HDD

**O.A.NOS. 151 TO 154 ALL OF 2023  
(Navnath P Dhumal Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Shri D.T. Devane, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these cases, are present.

2. Today, the respondents were expected to file affidavit in reply in all these matters, however, again time is sought for filing affidavit in reply. Due opportunities are already given to the respondents in all these matters. List the matters for hearing on 25.4.2023.

3. It is clarified that if the affidavit in reply in these matters is filed by the respondents on or before the next date, the same will be accepted or else the matters will be heard without affidavit in reply.

4. S.O. to 25.4.2023.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1096 OF 2019  
(Vikas D. Wagh Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Shri Vikas D. Wagh, applicant in person and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Applicant is present before this Tribunal. He submits that earlier learned counsel Shri D.K. Dgadkhair has returned the papers to him and however, not given No Objection. The applicant further submits that he now intends to engage learned Advocate Shri S.U. Choudhari in the matter and, therefore, sought permission.

3. Permission is granted as prayed for. **VAKALATNAMA** be filed in the office. The matter is for filing rejoinder. Time granted for filing rejoinder till 27.6.2023.

4. S.O. to 27.6.2023.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 410/2021**

**(Shri Tulsiram D. Bakle Vs. the state of Maharashtra & Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Heard Shri K.A. Ingle, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicant is present before the Tribunal accompanied by his counsel. The learned counsel tendered the written pursis under the signature of the applicant and submits that in view of the latest Government Resolution issued by the State the applicant has already made a fresh representation and as such is not intending to pursue the present matter further.

3. In view of the submissions made, the present Original Application stands disposed of as withdrawn by the applicant without any order as to costs.

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 316 OF 2023  
(Abhijit Vijay Deshpande Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned counsel appearing for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer appearing for the respondent authorities.

2. The applicant has approached this Tribunal against the order dated 21.3.2023, whereby he has been suspended by respondent No. 1 in contemplation of the departmental enquiry to be conducted against him. The order of suspension has been thus, passed by invoking powers under Rule 4 (1) (a) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. Shri S.D. Joshi, learned counsel appearing for the applicant submitted that the applicant is not disputing the right of the State authorities to conduct the departmental enquiry against him and the applicant is ready to face the said departmental

enquiry and is confident that he will prove his innocence during the course of the said enquiry. Learned counsel submitted that the applicant is aggrieved by the order of suspension, which is unwarranted, unnecessary and casts stigma on the unblemished career of the applicant.

4. Learned counsel further submitted that it is well settled that in every matter of departmental enquiry, order of suspension is not warranted and it cannot be passed as a matter of routine. He further submitted that unless the charges leveled against the delinquent are of such nature that no fair enquiry is possible to be conducted without suspending the applicant that the delinquent is to be suspended or else not. Learned counsel submitted that considering the charges leveled against the applicant there appears no need of suspending the applicant. Learned counsel further submitted that since alleged charges leveled against the applicant pertain to his previous posting, there is no possibility of applicant tampering with the evidence or bring undue influence on any of the witnesses to be examined in the said departmental

enquiry. In the circumstances, learned counsel has prayed for staying the effect and operation of the order dated 21.3.2023 temporarily while issuing the notices to the respondents.

5. Learned C.P.O. appearing for the State authorities has strongly opposed the submissions so made. He submitted that in respect of the misconduct alleged against the applicant 'Star Question' was raised in the Maharashtra Legislative Assembly and in view of the discussion which took place upon the said 'Star Question' that the respondents have ordered the suspension of the present applicant. Learned C.P.O. further submitted that unless due instructions are received it may also not be possible for him to make a statement as to which were the grounds prevailing in the minds of the disciplinary authority while ordering the suspension of the applicant. Learned C.P.O. in the circumstances has sought time to file affidavit in reply and has prayed for rejecting the request of interim relief made by the applicant.

6. I have duly considered the submissions made on behalf of the applicant and State authorities. I have also perused the documents filed on record.

7. As noted herein above, the applicant is not intending to raise any challenge to the action of the respondents or initiating departmental enquiry against him. His grievance in the present O.A. is that without any cogent and sufficient reason and when it is not warranted the respondents have put him under suspension. As has been submitted by the learned counsel the allegations which are leveled against the applicant because of which the respondents have decided to conduct departmental enquiry against him pertain to the period prior to 2019 and more particularly when the applicant was posted at Igatpuri and Niphad in Nashik District. Learned counsel submitted that if the ACRs of the applicant of the said period are perused, in every year the performance of the applicant has been assessed as "outstanding". It is also brought to my notice that in the year 2017, the applicant was also awarded an advance increment for his excellent work. Learned counsel alleged impugned action as vindictive. It is also contended that the applicant has whispered about initiation of enquiry against him much prior to initiation of such enquiry.

8. It has been argued by Shri S.D. Joshi that some matters like the present cannot be viewed in routine manner and in such matters the Tribunal has to consider the circumstances brought on record by the delinquent even while considering the matter at the initial stage and shall protect the Government servants like the applicant from such harsh action which casts stigma on their career. As against it, learned C.P.O. has come out with a contention that unless sufficient instructions are received to him it may not be possible for him to make any statement even about the necessity of putting the applicant under suspension.

9. It may not be disputed that the Government employee can be suspended in contemplation of Departmental Enquiry as provided under rule 4 (1) (a) of the M.C.S. (Discipline and Appeal) Rules, 1979. It is also true that if the aforesaid provision in the rules is plainly read, it is not qualified with any provision prescribing circumstances necessary for putting the Govt. employee under suspension pending departmental enquiry against him. However, the Hon'ble Apex Court and the Hon'ble

High Courts have always deprecated the practice of placing the employee under suspension when it is unwarranted. One such order is placed on record by the learned counsel appearing for the applicant in the matter of **State of Orissa through its Principal Secretary, Home Department Vs. Bimal Kumar Mohanty (1994) 4 SCC 126** in support of the contentions raised by the applicant. In the matters of suspension unless the entire facts come on record, no effective conclusion can be arrived at. At present the version of applicant is only available. It appears that past service record of the applicant is noteworthy, even then without giving opportunity to the respondents to explain the circumstances necessitating the suspension of the applicant, it would be unsafe to pass any interim order as prayed by the applicant. Hence, the following order

**ORDER**

(i) Issue notices to the respondents, returnable on 28.4.2023.

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

(iv) 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.

(v) 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.

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

**(vii) The respondents are expected to file affidavit in reply insofar as prayer for interim relief is concerned, on or before next date.**

(viii) S.O. to 28.4.2023.

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**O.A. NO. 316/2023**

(ix) Steno copy and Hamdast is allowed to both parties.

**VICE CHAIRMAN**

ORAL ORDER 18.4.2023-HDD



**ORIGINAL APPLICATION NO. 139 OF 2023**

**(Atmaram Magan Pradhan Vs. State of Maharashtra & Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

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

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the learned Presenting Officer.

3. S.O. to 25.4.2023 for hearing.

**VICE CHAIRMAN**

ORAL ORDER 18.4.2023-HDD

**ORIGINAL APPLICATION NO. 236 OF 2023  
(Smt. Shalini P. Bidarkar Vs. State of Mah. & Ors.)**

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

**DATE : 18.4.2023**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration and the arguments of the learned counsel for the applicant, as well as, learned Presenting Officer are heard for some time, it is revealed that the applicant is having the alternate efficacious remedy of filing an appeal before the appellate authority. In fact, the applicant has preferred such appeal before the appellate authority on 16.3.2023, however, without waiting for the decision by the appellate authority, the applicant has preferred the present Original Application. In view of the provisions under Sections 20 & 21 of the Administrative Tribunals Act, 1985, the application so submitted by the applicant may not be entertained by this Tribunal.

3. Learned counsel for the applicant at this juncture submits that the applicant will pursue the appeal filed by him. He however, expressed the anxiety that appeals are not decided and kept pending for indefinite period. In the circumstances the learned counsel sought indulgence of the Tribunal only to the extent of giving directions to the appellate authority to decide the appeal filed by the applicant within time bound manner. The request so made appears to be reasonable.

4. In the order passed by this Tribunal on 21.3.2023 the respondents were directed to make submissions on the request so made by the applicant for change in her headquarter during the period of her suspension. In paragraph 6 of the affidavit in reply filed by the respondents, it has been explained by the respondents that with an intention of free and fair investigation of the irregularities made by the applicant, her headquarter has been made at Jalgaon Jamod District Buldhana. On query made by the Tribunal it is informed that Jalgaon Jamod is at the distance of about 275 km from Aurangabad. Learned

counsel for the applicant submits that the applicant may be given opportunity to make a request to the authorities for change in her headquarters also. As has been requested the applicant may, in the representation to be submitted by her, request for change in the headquarters during the period of suspension. The respondents shall consider the said request also having regard to the fact that the headquarters at presently given is at the distance of about 275 km from Aurangabad.

5. In the circumstances without going into the merits of the contentions raised in the O.A., the present Original Application can be disposed of by giving following directions. Hence, the order: -

**ORDER**

(i) Respondent No. 1 shall decide the appeal preferred by the applicant on 16.3.2023 on its own merit as expeditiously as possible and preferably within the period of 8 weeks from the date of this order.

(ii) It need not be stated that the order passed by the appellate authority can be subject matter of scrutiny before this Tribunal.

**:: - 4 - ::**

**O.A. NO. 236/2023**

(iii) The Original Application stands disposed of in the above terms without any order as to costs.

**VICE CHAIRMAN**

ORAL ORDER 18.4.2023-HDD