

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

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

DB is Not Available

Date: -18/09/2023

Sr · N o	Case No.	Distric t	Advocate's & Applicant's Name	Subject	Remarks	Next date
Urgent Admission Matters						
1	MASt1819/23 In OAS1820/23	Latur	Adv.A.V. Thombre (Balu L Kekan & Ors.)	M.A. For Sue Jointly	Circulation with Office Objection	Remove from board
Order Matters						
2	MA162/17 With MA139/17 In OA136/17	A'bad	Adv.A.S. Deshmukh (Madhuri B Banait)	M.A. For During the Pendency & Final Disposal of OA136/17		13.10.2023
3	MA161/23 In OA616/22	Beed Pune	Adv.A.S. Khedkar (Abhijit T Pore)	M.A. For Adding Party as Applicant	For Hearing	18.10.2023
Due Admission Matters						
4	Rev4/17 In OA223/14	A'bad	Adv.S.D. Joshi (Kakasaheb B Zalte)	Review Petition	For Hearing	25.10.2023
5	OA963/17	A'bad	Adv.Avinash S Deshmukh (Vasant D Karke & Ors.)	Not to Terminate the Service/ Regularisation/ Continue in Service	For Hearing Reply filed by R-1 to R-4	20.10.2023
6	OA768/19	Nanded	Adv.Avinash S Deshmukh (Balasaheb T Deshmukh)	Departmental Enquiry	For Hearing Reply Filed by R-1 & R-2	20.10.2023
7	OA1069/19	A'bad	Adv.Vivek G Pingle (Prabhakar M Kathar)	Reinstate in Service	For Hearing Reply Filed by R-1 to R-6	19.10.2023

8	OA157/20	Dhule	Adv.Avinash S Deshmukh (Rohidas T Shinde)	Departmental Enquiry/ Pensionary Benefits	For Hearing Reply Filed by R-1 to R-3	20.10.2023
9	OA582/20	J'gaon	Adv.D.B. Shinde (Muktar F Tadvi)	Promotion	For Admission Reply Filed by R-1, R-3 & R-4	31.10.2023
10	OA590/20	J'gaon	Adv.Suhas R Shirsat (Ankush B Patil)	Appointment	For Hearing Reply Filed by R-2 & R-3	27.10.2023
11	OA46/21	Nanded	Adv.D.M. Shinde (Pradhumm R More)	Appointment	For Hearing Reply Filed by R-1 to R-3	27.10.2023
12	OA60/21	J'gaon	Adv.Digamber B Shinde (Ishwar B Baviskar)	Direction/ Promotion	For Hearing Reply Filed by R-1 to R-3	31.10.2023
13	OA61/21	Dhule	Adv.D.B. Shinde (Shantilal H Deore)	Promotion	For Hearing Reply Filed by R-1 to R-4	31.10.2023
14	OA635/21	A'bad	Adv.A.B. Rajkar (Badrinath B Nimbalkar)	Compulsory retirement	For Hearing Reply Filed by R-1 to R-4	17.10.2023
15	OA655/21	Jalna	Adv.U.L. Telgaonkar/ Adv.N.U. Telgaonkar (Rahul D Gaikwad)	Termination	For Hearing Reply Filed by R-1 & R-2	20.10.2023
16	OA797/21	Jalna	Adv.A.S. Khedkar (Ranjana D Jaybhaye)	Selection/ Implement the G.R.	For Hearing Reply Filed by R-3	25.10.2023
17	OA43/22	Nanded	Adv.G.N. Kulkarni(Mardikar) (Bismillabee Jamalsab Shaikh)	Counting Past Service/ Refund of Amount	For Admission	25.10.2023
18	OA47/22	A'nagar	Adv.S.D. Joshi (Sanjay V Sonawane)	Interivew	For Hearing Reply Filed by R-1 to R-3	25.10.2023
19	OA86/22	O'bad	Adv.R.D. Khadap (Ranjit D Shingare)	Challenging Amended Rules/ Examination Result	For Hearing Reply Filed by R-3	26.10 .2023

20	OA197/22	Nanded	Adv.G.K. Muneshwar (Abhijit V Bharne)	Seniority/ Promotion	For Hearing Reply Filed by R-2 & R-3	26.10.2023
21	OA418/22	Beed	Adv.D.K. Dagadkhair (Ramhari S Khade)	Seniority List	For Admission Reply Filed by R-1 & R-3	30.10.2023
22	OA582/22	O'bad	Adv.S.A. Nagarsoge (Dr. Shrikant B Balwande) <u>Adv.B.B. Bhise for R.No.4</u>	Departmental Enquiry	For Hearing Reply Filed by R-1 to R-3	18.10.2023
Final Hearing Matters						
23	TA11/99 In WP3251/93 With	P'bhnai	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana through its Joint Secretary, M.S. Sonwane) <u>Adv.Vivek Bhavthankar for R.Nos.2&3</u>	Termination		5.12.2023
24	TA19/99 In WP2311/94 With	P'bhnai	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana)	Termination		5.12.2023
25	TA26/99 In WP2772/93 With	P'bhnai	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana, P'Bhani & Ors)	Termination		5.12.2023
26	TA47/99 In WP776/95 With	P'bhani	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana)	Termination Termination Termination		5.12.2023
27	TA7/99 In WP3765/97 with	P'bhnai	Adv.S.R. Barlinge (Vyankati S Agase & Ors)			5.12.2023
28	TA6/06 With WP4261/95 with	Jalna	Adv.Party In Person (Goverdhan Ganoji)			5.12.2023
29	TA36/02 In WP3007/91 With	A'nagar	Adv.S.K. Shelke/ Adv.S.U. Jadhav (Ahmenagar Zilla wan Kamgar Union through its Vice President, Gulabrao Deshmukh)	Termination		5.12.2023

30	MA311/08 In TA42/99 In WP1274/91 With	P'bhnai	Adv.Subhash Mundhe (Ram U Dumane)	M.A. For Vacate I.R.		5.12.2023
31	TA17/99 In WP2791/94 With	P'bhnai	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana)	Termination		5.12.2023
32	TA35/98 In WP296/98 With	Jalna	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana, A'bad)	Termination		
33	MA309/08 In TA24/99 In WP3607/93 With	P'bhnai	Adv.B.B. Yenge (The Dy.Director of Social Forestry P'bhnai)	M.A. For Vacate I.R.		
34	MA306/08 In TA36/99 In WP652/94 With	P'bhnai	Adv.B.B. Yenge (The Dy.Director of Social Forestry Division Officer, P'bhnai)	M.A. For Vacate I.R.		
35	TA28/99 In WP1253/91 With	P'bhnai	Adv.S.R. Barlinge (Dasa N Shere & Ors.)	Termination		
36	TA30/99 In WP617/94 With	P'bhnai	Adv.S.K. Shelke (Parubai G Varad & Ors.)	Termination		
37	TA33/99 In WP3776/97 with	Dhule	Adv.S.K. Shelke (Dhule Zila Van Kamgar Shramik Sangh.)	Termination		
38	TA34/99 In WP3620/97 With	A'bad	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana)	Termination		
39	TA37/99 In WP1382/94 With	P'bhnai	Adv.S.R. Barlinge (Keshv H Kamble & Ors.)	Termination		

40	TA14/99 In WP3770/97 With	A'bad	Adv.S.R. Barlinge (Harman V Surwase & Ors.)	Termination		
41	TA16/99 In WP1226/91 With	Jalna	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana through its General Secretary, B.V. Bansod)	Termination		
42	TA13/99 In WP777/95 With	P'bhnai	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana)	Termination		
43	TA20/99 In WP882/91 With	A'bad	Adv.S.K. Shelke (Marathwada Sarva Shramik Sanghtana, A'bad)	Termination		5.12.2023
44	TA38/99 In WP329/92	A'nagar	Adv.S.K. Shelke (Ahmednagra Zilla Van Kamgar Union A'nagar)	Termination		5.12.2023
45	OA482/16	J'gaon	Adv.Avinash S Deshmukh (Harshal V Patil)	Seniority	Reply Filed by R-1 & R-2	30.10.2023
46	OA603/17 With	Latur	Adv.Avinash S Deshmukh (Jaideep A Limbale & Ors)	Challenging G. R.	Reply Filed by R-1, R-3, R-4, R-5 & R-6	
47	OA604/17 With	P'bhani	Adv.Avinash S Deshmukh (Kishor S Sabhadinde & Ors)	Challenging G. R.	Reply Filed by R-1, R-3, R-4 to R-6	
48	OA605/17 With	O'bad	Adv.Avinash S Deshmukh (Pratap B Jalkute)	Challenging G. R.	Reply Filed by R-1, R-3, R-4 to R-6	
49	OA606/17 With	Beed	Adv.Avinash S Deshmukh (Bhausahab B Rathod & Ors)	Challenging G. R.	Reply Filed by R-1, R-3, R-4 to R-6	
50	OA607/17 With	Nanded	Adv.Avinash S Deshmukh (Praveen A Kulkarni & Ors)	Challenging G. R.	Reply Filed by R-1, R-3, R-4 to R-6	

51	OA608/17 With	A'nagar	Adv.Avinash S Deshmukh (Sachin M Ralebhat)	Challenging G. R.	Reply Filed by R-1 & R-3 to R-5	
52	OA609/17 With	A'bad	Adv.Avinash S Deshmukh (Pramad U Nade)	Challenging G. R.	Reply Filed by R-1, R-3, R-4 to R-6	
53	OA780/17	Beed	Adv.P. R.Wankhade (Ramhari N Kamble)	Challenging G. R.	Reply Filed by R-1, R-3, R-4 to R-6	
54	OA899/17	O'bad	Adv.G.C. Khond/ Adv.G.N. Khanzode (Dr.Vandana S Shinde) <u>Adv.Gunratn Sadavarte/ Adv.Jayshri Patil/ Adv.Ramdas Gaikwad for R.No.4</u>	Seniority	Reply Filed by R-1 to R-3	31.10.2023
55	OA213/18	A'bad	Adv.Preeti R Wankhade (Balaji N Sontakke)	Promotion	Reply Filed by R-2	31.10.2023

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Date: -18/09/2023

for reply board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP02/23 In OA1099/19	O'bad	Adv.D.N. Kakde (Ramraje G Pawar)	Contempt Petition	For Filing Affidavit in Reply	1.11.2023
2	CP29/23 In OA876/16	A'nagar	Adv.M.S. Bhosale (Anirudh R Gavhane)	Contempt Petition	For Filing Affidavit in Rejoinder	1.11.2023
3	OA792/21	A'bad	Adv.K.B. Jadhav (Rajendra B Pawar)	Pay Fixation/ Revision of Pay	One More Last Chance For Filing Affidavit in Rejoinder to Affidavit in Reply Filed by R.No.3	1.11.2023
4	OA523/22	A'bad	Adv.S.A. Deshmukh (Gajanan Y Bansode)	Promotion	For Reply	21.11.2023
5	OA755/22	A'bad	Adv.V.B. Wagh (Sopan R Suryawanshi)	Departmental Enquiry	For Filing Affidavit in Rejoinder	29.9.2023
6	OA849/22	O'bad	Adv.V.D. Gunale/ Adv.D.T. Devane (Ramesh B Gawali)	Dismissal	As a Last Chance For Filing Affidavit in Rejoinder	8.11.2023

7	OA872/22	A'bad	Adv.M.A. Golegaonkar (Suresh C Nargulla)	Show Cause Notice (Major Punishment)	Await Service	3.10.2023
8	OA1053/22	Dhule	Adv.R.L. Jakhade/ Adv.S.A. Kulkarni (Vilas R Malche)	Dismissal Period	As a Last Chance For Filing Affidavit in Reply For R-1 & R-3	11.11.2023
9	OA08/23	Beed	Adv.S.D. Joshi (Gangadhar J Wadne)	Final Seniority List/ Promotion	For Filing Affidavit in Reply For R-1 & R-3	25.10.2023
10	OA70/23	A'nagar	Adv Ajay S Deshpane (Vishnath B Dabe)	Promotion	For Reply	25.10.2023
11	OA140/23	N'bar	Adv.A.B. Girase/ Adv. A.C. Sisodiya (Farukh Nasir Pinjari)	Termination	For Filing Affidavit in Reply For R-1, R-2 & R-4	2.11.2023
12	OA328/23	N'bar	Adv.Amit S Savale (Harshal V Marathe)	Promotion	For Filing Affidavit in Reply	2.11.2023
13	OA429/23	Latur	Adv.Preeti R Wankhade (Nagnath G Sawant)	Promotion	By Way of Last Chance For Filing Affidavit in Reply	5.10.2023
14	OA750/23	A'bad	Adv.Avinash S Deshmukh (Dr. Asha S Munjal)	Selection Process (MPSC)	For Reply	26.9.2023
Order Matters						
15	MA324/22 In OAS1203/22	A'bad	Adv.S.S. Jadhavar (Trivin A Kulkarni)	M.A. For Condonation of Delay	For Filing Affidavit in Rejoinder	30.10.2023
16	MA12/23 In OAS12072/22	Latur	Adv.A.B. Rajkar (Yograj V Pawar) <u>Adv.S.B. Mene for R.Nos.3 & 4</u>	M.A. For Condoantion of Delay	For Filing Affidavit in Reply	31.10.2023
17	MA13/23 In OAS12076/22	Latur	Adv.A.B. Rajkar (Govind S Keshtraphale)	M.A. For Condoantion of Delay	For Filing Affidavit in Reply	31.10.2023
18	MA286/23 In OAS12986/23	Beed	Adv.V.P. Savant (Madhukar D Bhandare)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	26.10.2023

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Date: -18/09/2023

Suplimentary Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Order Matters						
1	MA276/23 In OA209/22	Latur	Adv.C.V. Dharurkar (Renuka V Saudagar & Ors.)	M.A. For I.R.	<u>For Further Consideration</u> Reply Filed by Respondents	10.10.2023

**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: -18/09/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Urgent Admission Matters						
1	OA382/22 with	Jalna	Adv.R.A. Joshi (Rajendra R Shah)	Time Bound Promotion/ Benefit of G.R.	For Order For Hearing	20.9.2023
2	OA383/22 with	A'bad	Adv.R.A. Joshi (Gangadhar R Muley)	Time Bound Promotion/ Benefit of G.R.	For Order For Hearing	
3	OA384/22 with	A'bad	Adv.R.A. Joshi (Suresh L Ghule)	Time Bound Promotion/ Benefit of G.R.	For Order For Hearing	
4	OA385/22	A'bad	Adv.R.A. Joshi (Yuvraj S Kalshetty)	Time Bound Promotion/ Benefit of G.R.	For Order For Hearing	
High On Board Matter						
5	OA364/22	Latur	Adv.Anand V Patil(Indrale) (Laxmibai U Potdar)	Leave/ Family Pension & Pensionary Benefits	For Further Consideration Reply Filed by R-1 to R- 3	19.10.2023
Order Matters						
6	MA464/22 In OAS1803/22	P'bhani	Adv.Suchita Dhongde (Sunil T Kandere)	M.A. For Condonation of Delay	For Admission Reply Filed by R-1 to R- 3	6.10.2023
7	MA27/23 In OAS15810/22	Dhule	Adv.Nima R Suryawanshi (Bhagyesh S Marathe)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R- 3	17.10.2023
8	MA120/23 In OAS1453/23	A'bad	Adv.K.B. Jadhav (Afsar Khan Samsher Khan)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-3	25.9.2023

Due Admission Matters						
9	OA81/18	Latur	Adv.D.A. Bide/ Adv.L.S. Shaikh (Sayed Wali Abdul Khadar)	Increment/ Pensionary Benefits	For Hearing Reply Filed by R-1 to R-4	3.10.2023
10	OA1061/19	Nanded	Adv.Shamsunder B Partil (Kerba N Jetewad)	Direction/ Pension/ Retirement U/R 2G, 27(4), 130 of MCS(Pension) Rules 1982	Reply Filed by R-4 & R-5	19.10.2023
11	OA11/21	A'bad	Adv.Ashish B Rajkar (Ravikant R Hadoltikar) <u>Adv.G.N. Patil for R.No.4</u>	Directions/ Benefit of G.R./ Pension & Pensionary Benefits	For Admission Reply Filed by R-1 & R-5	17.10.2023
12	OA516/21	A'bad	Adv.Ajay S Deshpande (Vishwasrao V Kulkarni)	Recovery/ Refund of recovered Amount	For Hearing Reply Filed by R-1 to R-3	4.10.2023
13	OA638/21	A'bad	Adv.V.G. Pingle (Ganesh R Admankar) <u>Adv.G.N. Patil for R.Nos.2 to 5</u>	Withdrawal of Adverse Remarks/ ACRS	For Hearing Reply Filed by R-1 to R-5	8.10.2023
14	TA09/22 WP8518/22 with	A'nagar	Adv.A.G. Ambetkar (Laxman M Kashid & Ors.)	Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R-4	18.10.2023
15	TA10/22 WP4726/22	A'nagar	Adv.A.G. Ambetkar (Namdev V Shelar & Ors.)	Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R-4	18.10.2023
16	OA513/22	Latur	Adv.Akshay Kulkarni (Vikram S Vairale)	Kotwal (Compassionate Appointment)	For Hearing Reply Filed by R-1 to R- 3	9.10.2023
17	OA548/22	J'gaon	Adv.A.S. Deshmukh (Dilip R Bari)	Transfer	For Hearing Reply Filed by R-1 to R- 3	6.10.2023

18	OA585/22	Latur	Adv.H.P. Jadhav (Chandrasen V Lahade)	Recovery/ Refund of Recovered Amount	<u>For Further Consideration</u> For Hearing Reply Filed by R-1 to R- 6	16.10.2023
19	OA645/22	Dhule	Adv.A.M. Hajare (Jayprakash A Patil) <u>Adv.Sushil Pandit & Adv.S.D. Joshi for R.Nos. 2, 3, 5 & 6</u>	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R- 3 & R-5, R-6	18.10.2023
20	OA739/22	Dhule	Adv.S.R. Patil (Gajendra T Patil)	Posting	For Hearing Reply Filed by R-1 to R- 5	
21	OA815/22	A'bad	Adv.Suresh P Salgar (Ashok D Nagrale)	Compassionate Appointment (Lad Page samiti)	For Hearing Reply Filed by R-1 to R- 3	6.10.2023
22	OA871/22	P'bhani	Adv.N.R. Pawade (Santosh A Jadhav)	Leave	For Hearing Reply Filed by R-2	16.10.2023
23	OA904/22	P'bhani	Adv.V.M. Maney (Bharti N Madavi(Donekar)	Joining/ Salary	For Hearing	25.10.2023
24	OA1089/22	Latur	Adv.H.P. Jadhav (Madhavi M Kulkarni & Ors.)	Compassionate Appointment	For Hearing Reply Filed by R-1, R-3 & R-4	
25	OA13/23	O'bad	Adv.G.J. Kore (Suresh B Wagh)	Refund of Recovered Amount	For Hearing Reply Filed by Sole Respondent	18.10.2023
26	OA35/23	Beed	Adv.S.S. Thombre (Narayan D Gayke)	Suspension/ Reinstatement	For Hearing Reply Filed by R-1 to R- 3	disposed
Final Hearing Matters						
27	OA49/18	N'bar	Adv.Harshal P Randhir (Ravindra V Sapkale)	Refund of Recovered Amount	Reply Filed by R-1 to R- 4	16..10.2023
28	OA688/18	Latur	Adv.A.D. Gadekar (Premnath G Kamble)	Refund of Recovered Amount	Reply Filed by R-1, R-2 & R-5	25.10.2023

29	OA689/18	Latur	Adv.A.D. Gadekar (Prakash S Kamble)	Refund of Recovered Amount	Reply Filed by R-1 & R-2	25.10.2023
30	OA45/19	A'bad	Adv.S.G. Kulkarni (Sitaram M Bhokare)	Recovery	Reply Filed by R-2 & R-3	13.10.2023
31	OA104/19	Dhule	Adv.S.N. Suryawanshi (Shaikh R Shaifoddin)	Salary	Reply Filed by R-2 to R-4	16.10.2023
32	OA674/19	A'nagar	Adv.Avinash M Nagarkar (Madhukar K Brahmane)	Time Bound Promotion/ ACPS/ Deem Date of Promotion/ Absorption/ Consequential Benefits	Reply Filed by R-5	25.10.2023
33	OA1048/19	Latur	Adv.K.M. Nagarkar (Ramchandra L Kulkarni) <u>Adv.S.B. Mene for R.Nos.2 to 4</u>	Recovery/ Refund of Recovered Amount	Reply Filed by R-3 to R-4	25.10.2023
34	OA60/20	J'gaon	Adv.J.B. Choudhary (Sangita S Patil@Alka M Chaudhari)	Time Bound Promotion		25.10.2023
35	OA439/20	Beed	Adv.Milind K Deshpande (Bhimrao B Bangar)	Recovery	Reply Filed by R-1 to R-6	2.11.2023
36	OA507/20	Dhule	Adv.Suresh D Dhongde (Anil S Burkul)	Leave & Salary	Reply Filed by R-1, R-2 & R-5	18.10.2023
37	OA512/20	Nanded	Adv.Santosh C Bhosale (Shubash L Kadam)	Continuation in Service	Reply Filed by R-1 to R-3	16.10.2023
38	OA115/21	Latur	Adv.R. K. Khandelwal (Kadubai S Gaikwad)	Correction in Date of Birth	Reply Filed by R-1 to R-4	3.10.2023
39	OA189/21 with	A'nagar	Adv.Avinash S Khedkar (Sakharam C Kashid) <u>Adv.Shamsunder B Patil for R.Nos.2 to 3</u>	Recovery	For Hearing Reply Filed by R-1 to R-4	19.10.2023
40	OA214/21 with	A'nagar	Adv.Avinash S Khedkar (Ramnath N Raut) <u>Adv.Shamsunder B Patil for R.Nos. 2 to 3</u>	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R-3	

41	OA336/21 with	A'nagar	Adv.Avinash S Khedkar (Raosaheb S Bhosale) <u>Adv.Shamsunder B Patil for R.Nos. 2 to 3</u>	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-2 to R- 3	
42	OA365/21 with	A'nagar	Adv.Avinash S Khedkar (Prabhakar B Jondhale) <u>Adv.Shamsunder B Patil for R.Nos. 2 to 3</u>	Recovery	For Hearing Reply Filed by R-1 to R- 3	
43	OA222/21 with	A'nagar	Adv.Avinash S Khedkar (Bhauasaheb A Wighve) <u>Adv.S.B. Patil for R.Nos.2 & 3</u>	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1	
44	OA223/21	A'nagar	Adv.Avinash S Khedkar (Babasaheb R Warpe) <u>Adv.S.B. Patil for R.Nos.2 & 3</u>	Recovery/ Refund of Recovered Amount	For Hearing Reply Filed by R-1 to R- 3	
45	OA537/21	Dhule	Adv.K.B. Jadhav (Balasaheb S Khairnar)	Transfer	For Hearing Reply Filed by R-1 to R- 4	6.10.2023
46	OA610/21	P'bhani	Adv.Vivek G Pingle (Madhukar K Jadhav)	Recovery/ Refund of Recovered Amount	Reply Filed by R-1 to R- 3	8.10.2023

S.B. Compassionate Appointment Substitution Matters

Date: -18/09/2023

Time : 03:00 P.M.

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA33/23	Jalna	Adv.S.S. Thombre (Prajakta V Devkule)	Compassionate Appointment	For Hearing Reply Filed by R-3 & R- 4	29.9.2023
2	OA81/23	A'bad	Adv K B Jadhav (Vaibhav D Wagh & Ors.)	Compassionate Appointment	For Reply	29.9.2023

3	OA185/23	A'bad	Adv.A.D. Gadekar (Chandrakala W Gaikwad & Ors.)	Compassionate Appointment	Reply Filed by R-1 to R- 3	29.9.2023
4	OA214/23	Jalgaon	Adv S D Joshi (Salim S Tadvi)	Compassionate Appointment	Reply Filed By R-1 to R-5	29.9.2023

Date: -18/09/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA618/19	Latur	Adv Uddhav L Momale (Dhondiram G Kamble)	Refund of Recovered Amount	Reply Filed By R-5 & For Reply	5.10.2023
2	OA371/20	O'bad	Adv A P Yenegure (Sanjay B Bhandarkawathe)	Minor Punishment	Await Service R-3 & For Filing Affidavit in Reply R-1 & R-2	19.10.2023
3	OA705/21	Hingoli	Adv D T Devane (Balwant S Mukhade)	Medical Reimbursement	Reply Filed By R-1 to R-3 & For Filing Affidavit in Rejoinder	19.10.2023
4	OA246/22	A'bad	Adv D K Dagadkhair (Dilip Y Rupekar)	Arrears of Wages	Reply Filed By R-2 to R-3 & For Filing Affidavit in Rejoinder	20.10.2023
5	OA395/22	Latur	Adv S D Joshi (Rajkumar V Ugile) <u>Adv G N Patil For R-6</u> <u>Adv Ajinkya S Reddy</u> <u>For R-6</u>	Recovery/ Refund of Amount	Reply Filed By R-4 R-5 & R-6	19.10.2023

6	OA469/22	A'nagar	Adv A S Deshmukh (Arun S Joshi)	Directions/ Pension & Monetary Benefits	For Filing Affidavit in Reply	withdrawn
7	OA575/22	Nanded	Adv Anant D Gadekar (Yayati T Ghorband)	Refund of Recovered Amount	For Filing Affidavit in Reply	17.10.2023
8	OA576/22	Beed	Adv Anant D Gadekar (Subhash H Puri)	Refund of Recovered Amount	Reply Filed By R-1 & R-2 & For Filing Affidavit in Reply R-3 & R-4	17.10.2023
9	OA846/22	A'bad	Adv Anant D Gadekar (Sadashiv M Sawai)	Refund of Recovered Amount	Reply Filed By R-2 & For Filing Affidavit in Reply	17.10.2023
10	OA847/22	Latur	Adv Anant D Gadekar (Keshav G Lohar)	Refund of Recovered Amount	For Filing Affidavit in Reply	17.10.2023
11	OA978/22	A'bad	Adv V B Wagh (Ganesh J Khardkar) <u>Adv Ajinkya S Reddy</u> <u>For R-2</u>	Equal Pay For Equal Work Benefit	Reply Filed By R-2 & For Filing Affidavit in Reply R-1	10.10.2023
12	OA1057/22	A'nagar	Adv A S Khedkar (Sharad K Wakchaure)	Re-fixation of Pension / Recovery	Reply Filed R-3 to R-5 & For Filing Affidavit in Reply	19.10.2023
13	OA1094/22	Nanded	Adv D K Dagadkhair (Madhav B Wangaje)	Transfer/Postin g	Await Service R-8, R-11, R- 12, R-14, R- 17, R-18	11.10.2023

14	OA1095/22	Nanded	Adv D K Dagadkhair (Tukaram S Pohare)	Transfer/Posting	Await Service R-8, R-11, R-12, R-14, R-17, R-18	11.10.2023
15	OA22/23	Jalgaon	Adv K B Jadhav (Sudhakar O Jadhav)	Recovery/ Refund of Amount	Reply Filed By R-1 to R-5 & For Filing Affidavit in Rejoinder	25.10.2023
16	OA224/23	Nanded	Adv K B Jadhav (Bhumanna M Achewad)	Recovery/ Refund of Recovered Amount	Reply Filed By R-4 & For Reply	25.10.2023
17	OA262/23	Jalgaon	Adv P R Bharaswadkar (Bharat A Gaikwad)	Posting/ Repatriation	Reply Filed R-1 & R-5 R-3 & R-6 to R-8	20.10.2023
18	OA264/23	Jalgaon	Adv J S Deshmukh (Dr. Vaishali A Phegade)	Condonation of Technical Breaks/Annual Increments	For Reply	20.10.2023
19	OA265/23	Beed	Adv J S Deshmukh (Dr. Dipak S Raut)	Condonation of Technical Breaks/ Annual Increments	For Reply	20.10.2023
20	OA266/23	Jalgaon	Adv J S Deshmukh (Dr. Sudha R Choudhary)	Condonation of Technical Breaks/Annual Increments	For Reply	20.10.2023
21	OA277/23	Nanded	Adv Girish N Kulkarni (Mardikar) (Maroti N Dhadekar)	Recovery/ Refund of Recovered Amount	For Reply	26.10.2023
22	OA330/23	A'bad	Adv V B Wagh (Sanjay P Satale)	Leave	Reply Filed By R-1	16.10.2023

23	OA337/23	P'rbn	Adv P R Bharaswadkar (Santosh B Ipper)	Transfer	Reply Filed By R-1 to R-4 & Await Service R-5	6.10.2023
24	OA428/23	A'bad	Adv Sandeep G Kulkarni (Sanjiv P Bodkhe) <u>Adv S B Mene For R-2 & R-3</u>	Directions/ Transfer	For Reply	3.10.2023
25	OA432/23 With	P'rbn	Adv S D Joshi (Dr. Subhash P Pawar) <u>Adv Ganesh V Mohekar For R-4</u>	Transfer	Await Service R-1 & By way of Last Chance For Filing Affidavit in Reply	3.10.2023
26	MA241/23 In OA436/23	P'rbn	Adv Poonam Bodkhe (Dr. Subhash P Pawar)	M.A For Amendment in OA	Notice Not Collected	Disposed of
27	OA437/23	A'nagar	Adv Poonam B Patil (Prakash G Kamble) <u>Adv Avinash D Aghay For R-5</u>	Transfer	For compliance Amendment not Carried Out	12.10.2023
28	OA439/23	P'rbn	Adv Poonam B Patil (Vidyasagar R Patil) <u>Adv Ganesh V Mohekar For R-5</u>	Transfer	For compliance Amendment not Carried Out	
29	OA440/23	Beed	Adv Poonam B Patil (Natharao N Phad)	Transfer	For compliance Amendment not Carried Out	
30	OA442/23	Jalna	Adv Poonam B Patil (Sudhakar G Latpate) <u>Adv P V Tapse Patil For R-5</u>	Transfer	For compliance Amendment not Carried Out	
31	OA443/23	Nanded	Adv Poonam B Patil (Sanjay K Kasralikar) <u>Adv Yogita Thorat For R-4</u>	Transfer	For compliance Amendment not Carried Out	

32	OA584/23	A'nagar	Adv V B Anjanwatikar (Digambar D Pawar)	Transfer	Reply Filed By R-1 & For Filing Affidavit in Rejoinder	withdrawn
33	OA719/23	A'bad	Adv S B Solanke (Sanjay M Gitte & Ors.)	Benefits of Old Pension Scheme	For Reply	6.10.2023
Order Matters						
34	MA534/22 In OA1035/22	Dhule	Adv Vaishali Suryawanshi (Sunil M Saindane)	M.A For Stay/ I.R.	By Way of Last Chance For Filing Affidavit in Reply	10.10.2023
35	MA559/22 In OAS3024/22	Jalgaon	Adv G A Nagori (Pooja D Pawar) <u>Adv S R Patil For R-3</u>	M.A For Condonation of Delay	For Reply	25.10.2023
36	MA31/23 In OAS89/23	Latur	Adv S B Patil (Dr. Bhagwan V Kendre)	M.A For Condonation of Delay	For Filing Affidavit in Reply	12.10.2023
37	MA143/23 In OAS459/23	Dhule	Adv V B Wagh (Harshal S Desale)	M.A For Condonation of Delay	Reply Filed By R-3 & For Reply	20.10.2023
38	MA164/23 In OAS467/23	A'bad	Adv Umesh S Gadsing (Ganesh M Bade) <u>Adv S B Mene For R-2 & R-3</u>	M.A For Condonation of Delay	Await Service	30.10.2023
39	MA346/23 In OAS359/23	Beed	Adv S A Deshmukh (Pandurang V Misal)	M.A For Condonation of Delay	For Reply	20.10.2023

**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: -18/09/2023

Suplimentary Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Circulation Matters						
1	OA232/23	Latur	Adv.V.D. Gunale (Anjali B Narhare) <u>Adv.Krishna P Rodge</u> <u>for R.No.3</u>	Appointment on Compassionate Ground	Circulation	5.10.2023
2	OA331/22	A'bad	Adv.Anant D Gadekar (Mandabai C Khambat)	Family Pension	Circulation Speaking To Minutes	Speaking to minutes disposed of

ORIGINAL APPLICATION NO. 429 OF 2023
(Nagnath Gangadhar Sawant Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.9.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. has tendered affidavit in reply on behalf of respondent Nos. 1 & 2. The same is taken on record along with extra copy for the applicant.

3. List the matter for hearing on 05.10.2023. In the meanwhile it would be open for applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 719 OF 2023
(Sanjay M. Gitte & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has tendered affidavit in reply on behalf of respondent Nos. 4 & 5. The same is taken on record and copy thereof has been served on the other side.

3. Learned P.O. seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

4. S.O. to 06.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 330 OF 2023
(Sanjay P. Satale Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

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

2. Learned P.O. has tendered affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 16.10.2023. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 277 OF 2023
(Maroti N. Dhadekar Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri Girish N. Kulkarni (Mardikar), learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. has tendered affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record along with extra copy for the applicant.

3. List the matter for hearing on 26.10.2023. In the meanwhile it would be open for applicant to file rejoinder affidavit, if he so desires.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 364 OF 2022
(Laxmibai Uttam Potdar Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri S.P. Dhoble, learned counsel holding for Shri A.V. Patil (Indrale), learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration, the learned P.O. has tendered the copy of communication dated 14.09.2023 received to the office of C.P.O. from the Regional Dairy Development Officer, Aurangabad. The said communication is annexed with the proposal forwarded by Aurangabad office to the Deputy Commissioner (Administration), Dairy Development Department, Maharashtra State, Mumbai. Both the documents are taken on record.

3. In view of the contention raised in the said communication, the learned P.O. has sought two weeks time. Time granted as prayed for.

4. S.O. to 19.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 705 OF 2021
(Balwant Sakharam Mukhade Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri D.T. Devane, 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 submitted rejoinder affidavit. The same is taken on record and copy thereof has been served on the learned P.O.

3. List the matter for hearing on 19.10.2023.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

ORIGINAL APPLICATION NO. 815 OF 2022
(Akash Dilip Nagrale Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri S.P. Salgar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06.10.2023 for hearing.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

ORIGINAL APPLICATION NO. 584 OF 2023

(Digambar D. Pawar Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Heard V.B. Anjanwatikar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application. The written communication in that regard has submitted by the learned counsel for the applicant. It is taken on record. In view of above, the following order is passed:-

ORDER

The present Original Application stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 22 OF 2023
(Sudhakar Onkar Jadhav Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

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

2. Learned counsel for the applicant has tendered rejoinder affidavit. The same is taken on record and copy thereof has been served on learned P.O.

3. List the matter for hearing on 25.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 224 OF 2023
(Bhumanna Maroti Achewad Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

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 rejoinder affidavit. The same is taken on record and copy thereof has been served on learned P.O.

3. List the matter for hearing on 25.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 469 OF 2022
(Arun Shripad Joshi Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application. The written pursis in this regard is also tendered. The same is taken on record. In view of above, the following order is passed:-

ORDER

The present Original Application stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 523 OF 2022
(Gajanan Yadav Bansode Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.9.2023

ORAL ORDER :

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

2. Learned counsel for the applicant submits that affidavit in rejoinder is not be filed.
3. List the matter for hearing on 21.11.2023.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

ORIGINAL APPLICATION NO. 35 OF 2023
(Narayan Dashrath Gayke Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned P.O. has tendered the copy of communication dated 07.09.2023 received to her from the Deputy Commissioner (Administration), Women and Child Development Commissionerate, Maharashtra State, Pune. The said communication is annexed with the decision taken by the Review Committee in respect of suspension of the applicant. The same is taken on record and copy is given to learned counsel appearing for applicant.

3. Perusal of the minutes of meeting of Review Committee reveals that the committee has decided to reinstate the applicant on some non-executive post. The grievance of the applicant is that though he was suspended w.e.f. 18.07.2021, no review of

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O.A.35/2023

the said order was taken and as such in view of the guidelines laid down by the Hon'ble Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of India and Ors. in Civil Appeal No. 1912/2015**, the suspension was sought to be revoked and directions were also sought to be given to the respondents to reinstate the applicant. In view of fact that the Review Committee has now decided to reinstate the applicant, the very purpose of filing the present Original Application is served.

4. Learned counsel for the applicant further submits that for reinstating the applicant some time limit may be prescribed by this Tribunal or else the respondents are likely to take up unreasonable period even for passing further orders. In view of the submissions made, the following order is passed:-

ORDER

- (i) The Original Application stands disposed of in view of the fact that the Review Committee has reviewed the decision and has recommended for revoking the order of suspension and to reinstate the applicant.

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O.A.35/2023

- (ii) The respondents are directed to reinstate the applicant within the period of two weeks from the date of this order.
- (iii) It is clarified that insofar as the period of suspension is concerned, the decision in that regard may be taken by the authorities at appropriate time. Needless to state that the said decision can be subjected to judicial scrutiny by the applicant.
- (iv) No order as to costs.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

ORIGINAL APPLICATION NO. 904 OF 2022
(Smt. Bharti W/o Nikhil Madavi (Donekar) Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri B.R. Rathod, learned counsel holding for Shri V.M. Maney, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that during course of the day he will file affidavit in reply on behalf of respondent Nos. 1 to 3. If it is so filed, it be taken on record. Copy of reply be served upon learned counsel appearing for the applicant.

3. S.O. to 25.10.2023 for hearing. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if she so desires.

VICE CHAIRMAN

M.A.NO. 164/2023 IN O.A.ST.NO. 467/2023
(Ganesh M. Bade Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri Umesh S. Gadsing, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel Shri Vilas P. Savant submits that he has instructions to appear on behalf of respondent No.4 and that he will submit his **VAKALATNAMA** in office. He has sought time for filing affidavit in reply. Time granted.

3. Learned counsel for respondent Nos. 2 & 3 has also sought time for filing affidavit in reply. Time granted.

4. S.O. to 30.10.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 428 OF 2023
(Sanjiv Pandurang Bodkhe Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for respondent Nos. 2 & 3 has sought time for filing affidavit in reply on behalf of said respondents. Time granted.

3. S.O. to 03.10.2023.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

ORIGINAL APPLICATION NO. 70 OF 2023
(Vishwanath B. Dahe Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench due to
non-availability of Division Bench)

DATE : 18.9.2023

ORAL ORDER :

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

2. Learned C.P.O. has tendered affidavit in reply
on behalf of respondent No.1. The same is taken on
record along with extra copy for the applicant.
3. S.O. to 25.10.2023 for filing rejoinder affidavit,
if any.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

ORIGINAL APPLICATION NO. 755 OF 2022
(Sopan Ramrao Suryawansi Vs. The State of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.9.2023

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. S.O. to 29.09.2023 for filing rejoinder affidavit by the applicant, if any. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

O.A.NOS. 603 TO 609 AND 780 ALL OF 2017
(Jaideep A. Limbale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Shri Justice P.R. Bora,**
Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : **18.09.2023**

ORAL ORDER :

Shri A.S. Deshmukh, learned Advocate for the applicants in O.A.Nos. 603 to 609 all of 2017, Ms. Preeti R. Wankhade, learned Advocate for the applicant in O.A.No. 780/2017 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As., are present.

2. The present matters have already been treated as part heard.
3. S.O. to 05.10.2023.
4. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 81 OF 2023
(Vaibhav Dattatray Wagh & Anr. Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

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

2. Learned P.O. has sought time to file affidavit in reply on behalf of respondents. The request is opposed by learned counsel appearing for the applicants. However, in the interest of justice, last chance granted for filing affidavit in reply on behalf of respondents till 29.09.2023 at 3:00 p.m.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

ORIGINAL APPLICATION NO. 232 OF 2023
(Anjali Balaji Narhare Vs. The State of Maharashtra & Ors.)

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

DATE : 18.9.2023

ORAL ORDER :

Shri K.P. Rodge, learned counsel for the respondent No.3 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The present matter is not on board. At the request of learned counsel appearing for respondent No.3 it is taken on board.

3. Learned counsel Shri K.P. Rodge submits that inadvertently in the present matter reply could not be filed by respondent No.3. Learned counsel for respondent No.3 further submits that as he was informed that all the matters of compassionate appointment are taken in the afternoon session, he could not attend the matter on given date. Learned counsel submits that though the arguments are heard and the matter is reserved for order, the order is not yet pronounced. In the circumstances, he has prayed for accepting the affidavit in reply on behalf of respondent No.3. He

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O.A.232/2023

submits that he has informed learned counsel for the applicant.

4. In the interest of justice, the respondent No.3 is permitted to file affidavit in reply. It is taken on record. List the matter for further consideration on 05.10.2023.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023 sas

DATE :18.09.2023

M.A.NO. 430/2023 IN O.A.ST.NO. 1628/2023

(Vilas Dhondiba Bhingde V/s The State of Maharashtra & Ors.)

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

1. Shri G.J. Kore, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 18.10.2023. The case be listed for admission hearing on **18.10.2023**.

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

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

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

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

REGISTRAR

DATE :18.09.2023

ORIGINAL APPLICATION NO. 852 OF 2023

**(Vilas Dhondiba Bhigde V/s The State of Maharashtra
& Ors.)**

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

1. Shri G.J. Kore, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 18.10.2023. The case be listed for admission hearing on **18.10.2023**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE :18.09.2023

**M.A.NO. 434/2023 IN O.A.ST.NO. 1676/2023
(Pooja Chandrakant Patil V/s The State of
Maharashtra & Ors.)**

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

1. Shri G.J. Kore, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 18.10.2023. The case be listed for admission hearing on **18.10.2023**.
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. 750 OF 2023
(Dr. Asha S. Munjal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.09.2023

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks leave to place on record the result of interviews published by the M.P.S.C. Leave granted. Same is taken on record and copy of the same is given to the learned C.P.O.

3. Learned C.P.O. has sought time to file affidavit in reply on behalf of respondents. Time granted as prayed for.

4. S.O. to 26.09.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 849 OF 2022
(Ramesh B. Gawali Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.09.2023

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that no rejoinder affidavit is to be filed.

3. List the matter for hearing on 08.11.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 585 OF 2022
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

Heard Shri H.P. Jadhav, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 16.10.2023 for further consideration.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 331 OF 2022
(Mandabai C. Khambat Vs. State of Maharashtra & Ors.)
(Speaking to minutes)

CORAM : Justice Shri P.R. Bora, Vice Chairman
DATE : 18.09.2023
ORAL ORDER :

This is motion for speaking to minutes in the order dated 12.09.2023 passed in O.A. No. 331/2022.

2. Learned counsel for the applicant pointed out that the widow is also entitled for family pension of the period of 1 year i.e. from the date of missing of the Government servant i.e. 22.08.2018 to 21.08.2019. Learned counsel submitted that the aforesaid situation needs to be clarified; otherwise the applicant will be losing pension of that 1 year period.

3. There is substance in the submission so made. Hence, the following order is passed :-

ORDER

In the order dated 12.09.2023 below clause (ii) Clause (ii)(a) shall be added as under :-

“(ii)(a) It would be open for the applicant to claim amount of family pension of the period from 22.08.2018 to 21.08.2019 and if such request is made, the respondents shall consider the same in accordance with rules and pay the said amount to the applicant.”

4. Corrected copy of the order shall be issued to all concerned. Accordingly, motion for speaking to minutes stands disposed of.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 331 OF 2022
(Mandabai C. Khambat Vs. State of Maharashtra & Ors.)
(Speaking to minutes)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

In the present matter learned C.P.O. has prayed for recalling the order directing payment of cost of Rs. 10,000/- by the respondents. Learned C.P.O. submits that the mis`take has inadvertently occurred and there was no such intention to cause harassment to the applicant.

2. Learned counsel for the applicant fairly submitted that he is also not insisting for penalizing respondents.

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

ORDER

Clause (iii) in the order dated 12.09.2023 shall stand deleted.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 395 OF 2022
(Rajkumar V. Ugile Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

Smt. Pooja Munde, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present. Shri Ajinkya Reddy, learned counsel for respondent Nos. 4 to 6, **absent**.

2. At the request of learned counsel for the applicant, issue fresh notice to respondent No. 4, returnable on 19.10.2023.

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 19.10.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 81 OF 2018
(Sayed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 03.10.2023 for hearing.

VICE CHAIRMAN

KPB ORAL ORDERS 18.09.2023

M.A. St. 1819/2023 in O.A. St. 1820/2023
(Balu L. Kekan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.09.2023

ORAL ORDER :

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

2. The present matter is removed from the board.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 432 OF 2023
(Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

Smt. Pooja Munde, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has sought time to file affidavit in reply on behalf of respondents. Time granted as prayed for by way of most last chance.

3. S.O. to 03.10.2023. Status quo granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 537 OF 2021
(Balasaheb S. Khairnar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

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

2. S.O. to 06.10.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

KPB ORAL ORDERS 18.09.2023

**ORIGINAL APPLICATION NO. 548 OF 2022
(Dilip R. Bari Vs. State of Maharashtra & Ors.)**

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

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

2. S.O. to 06.10.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 437 OF 2023
(Dr. Prakash G. Kamble Vs. State of Mah. & Ors.)**

**ORIGINAL APPLICATION NO. 439 OF 2023
(Dr. Vidyasagar R. Patil Vs. State of Mah. & Ors.)**

**ORIGINAL APPLICATION NO. 440 OF 2023
(Dr. Nathrao N. Phad Vs. State of Mah. & Ors.)**

**ORIGINAL APPLICATION NO. 442 OF 2023
(Dr. Sudhakar G. Latpate Vs. State of Mah. & Ors.)**

**ORIGINAL APPLICATION NO. 443 OF 2023
(Dr. Sanjay K. Kasralikar Vs. State of Mah. & Ors.)**

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

Ms. Poonam Bodke Patil, learned counsel for the applicants in all these O.As., S/Shri M.S. Mahajan, V.R. Bhumkar, D.R. Patil, & S.K. Shirse, learned Chief Presenting Officer & Presenting Officers for the respective respondent authorities in respective OAs, S/Shri Avinash D. Aghav, learned counsel for respondent No. 5 in O.A. No. 437/2023 and Shri Ganesh V. Mohekar, learned counsel for respondent No. 5 in O.A. No. 439/2023, are present.

2. Learned counsel for the applicants has tendered amended copies of the O.As. in all these matters. Same are taken on record any copies are provided to other sides.

3. Learned C.P.O. has sought time to file affidavit in reply on behalf of respondents in all these O.As. Time granted as prayed for.

4. S.O. to 12.10.2023.

VICE CHAIRMAN

**M.A. No. 241/2023 in O.A. No. 436/2023
(Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.09.2023

ORAL ORDER :

Heard Ms. Poonam Bodke Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, learned counsel for the applicant prayed for passing an order on the pursis submitted under her signature on 12.06.2023. The applicant is not present before the Tribunal; however, learned counsel for the applicant submits that she has instruction to get withdrawn the O.A. Hence, the following order is passed:-

ORDER

- (i) Original Application is disposed of since withdrawn without any order as to costs.
- (ii) Misc. Application No. 241/2023 filed in the O.A. also does not survive and deserves to be disposed of. It is accordingly disposed of.

VICE CHAIRMAN

M.A.NO. 27/2023 IN O.A.ST.NO. 1510/2022
(Bhagyesh Sunil Marathe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.9.2023

ORAL ORDER :

Heard Smt. Nima R. Suryawanshi, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. This is an application seeking condonation of delay, which has occasioned in filing accompanying O.A. by the applicant.

3. In the Original Application the applicant is seeking quashment of the communication/order, whereby his claim for appointment on compassionate ground has been turned down by the respondents. The said order is passed on 11.9.2019. Thereafter, the applicant seems to have again made a representation and the same has been rejected on 20.7.2022 and thereafter the applicant has approached this Tribunal.

4. Having considered the subject matter involved, it appears to me that the delay caused in approaching the Tribunal is certainly have impact on the merits of the relief which has been claimed in the Original Application. In the circumstances, it would be appropriate to decide

**:: - 2 - :: M.A.NO. 27/2023 IN
O.A.ST.NO. 1510/2022**

both these applications together and the issue regarding delay can be considered while considering the request made in the O.A. The O.A., therefore, be registered in accordance with law.

5. The respondents are directed to file affidavit in reply to the contentions raised by the applicant in the O.A. No separate notice, therefore, may be required to be issued in the O.A., since the respondents have already caused their appearance in the matter.

6. S.O. to 17.10.2023.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023-hdd

M.A.NO. 276/2023 IN O.A.NO. 209/2022
(Renuka Vikram Saudagar & Ors. Vs. State of Mah. & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

DATE : 18.9.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The applicants have filed the present Misc. Application praying for the directions against the respondents to keep 78 posts of Staff Nurse vacant in the process of recruitment in progress on the strength of advertisement issued on 10.5.2023. The Original Application in which the present Misc. Application has been filed the prayer of the applicants is to fill in 78 vacant posts of Staff Nurse which could not be filled in because of non-availability of the candidates from Ex-servicemen category for which the said posts were reserved in the advertisement published in the month of February, 2018.

3. Shri C.V. Dharurkar, learned counsel appearing for the applicants submitted that there is a checkered history behind the present Original Application as well as Misc. Application. Learned counsel pointed out that after it was noticed that the posts reserved for the candidates

**:: - 2 - :: M.A.NO. 276/2023 IN
O.A.NO. 209/2022**

belonging to Ex-servicemen category were not likely to be filled up due to non-availability of the candidates from the said category, the applicants were pursuing the Government to convert these posts and get them available for appointment of the eligible candidates next in the select list as per the social reservation and in order of merit. Learned counsel pointed out that one petition bearing Writ Petition No.4738/2021 (Bade Ratnhari Shridhar & Ors. Vs. State of Maharashtra & Ors.) was there before the Hon'ble Bombay High Court and in the said Writ Petition 'no objection' from the सैनिक कल्याण बोर्ड came to be placed on record. Learned counsel pointed out that there upon the said Writ Petition was disposed of on 14th June, 2021 by the Hon'ble Division Bench with the direction to carry out further process in view of the no objection given by the said सैनिक कल्याण बोर्ड for filling the posts remained vacant because of the non-availability of the candidates from the category of Ex-servicemen.

4. Learned counsel further pointed out that OAs were also filed before this Tribunal bearing O.A. No. 1014/2019 and O.A. No. 95/2020, wherein also the submission was made that the respondents are intending to fill up all 129 vacant posts and in view of such submission made on behalf of the State authorities the said OAs were disposed of. Learned counsel further

**:: - 3 - :: M.A.NO. 276/2023 IN
O.A.NO. 209/2022**

pointed out that in the Contempt Petition arising out of non-compliance of the orders passed in O.A. No. 1014/2020 With O.A. No. 95/2020 also the concrete statements were made by the authorities concerned before this Tribunal that all necessary steps are being taken for filling up 78 posts which had remained unfilled because of the non-availability of the candidates belonging to Ex-servicemen category.

5. In the present matter the applicants have placed on record the copies of all those orders passed by this Tribunal. Referring to all those orders, the learned counsel submitted that respondents time and again though gave assurance did not fulfill it and on one or other pretext just killed the time. Learned counsel submitted that had honest and timely steps taken by the respondents for filling up the posts which had remained vacant because of non-availability of the candidates belonging Ex-servicemen category, which was quite permissible in view of the several Government decisions in that regard, probably none of the said posts could have been remained vacant and all eligible candidates who had competed in the year 2018 and whose names were in the merit list would have certainly got the appointments. Learned counsel submitted that some of such candidates have received such appointments,

however, since no concrete steps were taken insofar as 78 posts are concerned, the said posts remained unfilled and the candidates likely the present applicants, who were aspiring for their appointment in order of their merit, ultimately did not get the said opportunity. Learned counsel submitted that though the respondents have come out with the case that such 78 vacancies have been carried forward and accordingly shown in the recent advertisement published in this regard the commitment which was made by the respondents and corresponding right which has accrued in favour of the applicants cannot be dispensed with. Learned counsel submitted that in such circumstances, the applicants have approached this Tribunal by filing the present Misc. Application praying for keeping corresponding number of posts vacant/unfilled till decision of the Original Application.

6. The respondents have filed affidavit in reply to the present application. It is the contention of the respondents that once the said 78 posts have been carried forward and shown as vacancies for the category of Ex-servicemen in the instant advertisement published, the O.A. as has been filed by the present applicants as well as the present Misc. Application, both have become infructuous.

7. Learned Presenting Officer has submitted that the advertisement has been published for recruitment of total 3974 posts out of which 597 posts are reserved for Ex-servicemen which include the carried forward unfilled 78 posts in the previous advertisement. Learned P.O. submitted that for the present recruitment most of the recruitment work has been outsourced and the agencies are appointed for the purpose of holding the examination and declaring the result also. Learned P.O. submitted that the recruitment process in pursuance of the advertisement dated 10.5.2023 is at advanced stage and it would be unjust and improper to cause any interference in the said ongoing process. Learned Presenting Officer in the circumstances has prayed for rejecting the application.

8. I have duly considered the submissions made on behalf of the applicant as well as the respondents. Apparently, it may appear that when new recruitment process has begun, the written examinations are held and merit list also has been published, the select list published on the basis of the earlier recruitment process must be held to have become infructuous. Argument advanced on behalf of the respondents is also on similar line. The question arises, 'whether the recruitment process held in pursuance of the advertisement

**:: - 6 - :: M.A.NO. 276/2023 IN
O.A.NO. 209/2022**

published in the year 2018 and merit list published at the relevant time can be held to have become infructuous in teeth of new advertisement published on 10th May, 2023 and commencement of the recruitment process on that basis'. Ordinarily the life of the select list is for a particular period as may be prescribed by the authority concerned or according to rules, if any such provision is specifically made in that regard or till the next recruitment process commences. The instant matter, however, requires to be dealt with a different angle having regard to the peculiar facts involved in the present matter.

9. As noted hereinabove, the applicants have been constantly following the matter and pursuing their demand for filling up the vacant posts, which could not be filled because of non-availability of the candidates from certain categories. As has come on record सैनिक कल्याण बोर्ड has recorded its no objection for filling the posts, which had remained vacant because of non-availability of the candidates from Ex-servicemen category, from the other meritorious candidates considering the social reservation or other conditions laid down therefor. The order passed by the Hon'ble High Court and orders passed by this Tribunal, if read together reveal that for

filling 78 posts, meant for Ex-servicemen which remained unfilled because of non-availability of the candidates from that category, the सैनिक कल्याण बोर्ड has given its written 'no objection' in W.P. No. 4738/2021, before the Division Bench of the Hon'ble Bombay High Court, on the basis of which the said W.P. came to be disposed of.

10. It is the matter of record that in Contempt Petition No. 29/2020 In O.A. No. 1014/2019, before this Tribunal, the Principal Secretary, Medical Education, submitted an undertaking that unfilled 78 posts meant for Ex-servicemen would be filled in from amongst the eligible candidates in the select list. It has to be stated that during the period of Corona Pandemic insufficient staff in the Government hospitals, in the hospitals attached to the Government Medical Colleges was the burning issue and the Hon'ble Bombay High Court has issued certain direction to the Government to ensure that all vacant posts in the hospitals are filled by giving top-priority. The orders passed by the Hon'ble High Court, as well as, by this Tribunal insofar as filling of 78 posts of Staff Nurse are concerned must be held a mandate given to the Government on the basis of the information brought before them and stand taken by the Government at that time.

11. It has to be further stated that though the aforesaid issue was pending for more than a period of one year, no such information came to be placed on record that Ex-servicemen category candidates have become available. In one of the orders, the Tribunal has also observed that there are inbuilt provisions for conversion of posts which are remained to be filled reserved for Ex-servicemen. As such, some steps were required to be taken by the respondents. It has to be stated that undesired reluctance was however, seen on the part of the respondents. In spite of express commitment made by the competent person before this Tribunal, no positive steps were taken by the respondents.

12. In view of the fact that issue pertaining to unfilled 78 posts reserved for Ex-servicemen is the subject matter in the contempt petition and OAs referred above which are still pending and the candidates who claimed to be next in the select list after/below the candidates already appointed have been pursuing said proceedings till this date, with a hope that if 78 unfilled posts reserved for Ex-servicemen are filled by other meritorious candidates in the select list, they would certainly get the appointment. The present M.A. or the connected other proceedings cannot be said to have become infructuous.

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O.A.NO. 209/2022**

13. After 'no objection' for filling 78 posts reserved for Ex-servicemen was placed on record by the सैनिक कल्याण बोर्ड in W.P. No. 4738/2021 an impression was certainly created that there was no impediment for filling up those 78 posts from amongst other eligible candidates. The present applicants claim to be amongst said candidates. Thereafter the conduct of the respondents' also make believe the applicants as well as this Tribunal that respondents are willing to get filled said 78 posts.

14. In premise of the facts and circumstances as aforesaid, if the applicants have now come out with the prayer that said 78 unfilled posts cannot be made part of the recruitment process commenced vide the advertisement published on 10.5.2023 and the said issue needs to be settled in the proceedings, which are still pending, and have therefore, if prayed for an interim relief thereby seeking directions against the respondents to keep 78 posts vacant out of the total posts advertised vide advertisement dated 10.5.2023, according to me the applicants have made out a *prima facie* case in their favour. I am, therefore, inclined to pass the following order: -

ORDER

(i) The respondents are directed to keep 7 posts vacant out of 597 posts reserved for Ex-servicemen

**:: - 10 - :: M.A.NO. 276/2023 IN
O.A.NO. 209/2022**

category till the decision of the present Original Application.

(ii) The Misc. Application stands disposed of in the aforesaid terms with no order as to costs.

(iii) The O.A. to come up for hearing 10.10.2023.

VICE CHAIRMAN

ORAL ORDERS 18.9.2023-hdd

M.A. No. 286/2023 in O.A. St. No. 986/2023
(Madhukar D. Bhandare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.09.2023

ORAL ORDER :

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

2. Learned C.P.O. has tendered across the bar affidavit in reply on behalf of respondent No. 3 in M.A. Same is taken on record and copy of the same is given to other side.

3. This is an application seeking condonation of delay which has occasioned in filing the accompanying O.A. annexed with the present M.A. by the applicant. The delay is stated to be of more than three and half years.

4. Learned counsel for the applicant submitted that in fact for all the reliefs, which the applicant have claimed in the O.A. there is continuous cause of action, however by way of precaution, he has filed the present Misc. Application seeking condonation of delay. Learned counsel submits that he could not

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have made request for regularization of period of suspension unless concluded from the criminal prosecution and accordingly he has made request but the same has not yet been decided. Learned counsel submitted that since his suspension period has not been regularized, his pension papers cannot be processed. Learned counsel submits that prayers made in M.A. though appears to have been made belatedly, considering the subject matter which pertains to pension and pensionary benefits, there is a continuous cause of action and even if some delay would have occurred, it deserves to be condoned.

5. Learned C.P.O. has opposed for condonation of delay stating that the cause of action had arisen in the year 2011. Instead of moving court, the applicant went on making representation and has approached belatedly and no sufficient reasons are provided for occurrence of such huge delay. Learned C.P.O. submitted that in absence of any sufficient cause made out by the applicant, the delay cannot be condoned. Therefore, he has prayed for rejection of M.A.

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6. I have considered the submissions made on behalf of the applicant, as well as, respondents. The applicant has filed the O.A. seeking reliefs in relation to his pension and retiral benefits. Having considered the cause for which the O.A. is filed by the applicant, even if the delay caused in approaching this Tribunal is of a bit longer period, I am inclined to condone the same so that the applicant may get an opportunity to agitate his grievance on merits. Hence, the following order :-

ORDER

- (i) The M.A. No. 286/2023 is allowed.
- (ii) The delay caused in filing the accompanying O.A. is condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) The M.A. stands disposed of. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 986 OF 2023
(Madhukar D. Bhandare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 18.09.2023

ORAL ORDER :

Heard Shri V.P. Savant, learned counsel for the applicant and Shri M.S. Mahajan, learned C.P.O. for the respondents.

2. After registration, issue notices to the respondents, returnable on 26.10.2023.

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 26.10.2023.

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

VICE CHAIRMAN