

ORIGINAL APPLICATION NO.850/2009
(Sudam T. Pophale Vs. State of Maharashtra & Ors.)

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

DATE : **19.04.2022**

ORAL ORDER :

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

2. Learned Counsel appearing for the applicant seeks leave to withdraw the present O.A. submitting that the object of filing the O.A. is accomplished.

3. Learned CPO has endorsed his no objection for permitting withdrawal of the O.A. by the applicant. Hence, the following order is passed:

O R D E R

O.A. stands disposed of since withdrawn without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.851/2009

(Sunita S. Sabu @ Sunita S. Pophale Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. On request of the learned Counsel for the applicant, S.O. to 15-07-2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : **19.04.2022**

ORAL ORDER :

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

2. Learned P.O. has tendered (i) The Maharashtra Prison Department (Executive Officers Post Recruitment Examination) Rules, 1977 and (ii) The Maharashtra Prison Department (Executive Officers Qualifying Examination) Rules, 1977. Same are taken on record.

3. Learned Counsel for the applicant seeks time to amend the O.A. stating that the persons who have not qualified the examination as per the qualifying rules have also been promoted and applicant is seeking the relief as was granted to the said candidates.

4. The matter stands adjourned to 21-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.512/2019
(Vinod R. Dange Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. O.A. is allowed. Reasons to follow.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.174/2021
(Shaikh Musa Shaikh Mohioddin Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri H.M.Shaikh, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. In the present O.A. the prayer of the applicant is to quash and set aside the departmental enquiry initiated against him. O.A. was filed on 30-03-2021. Admittedly, no interim relief was granted in favour of the applicant. When today the present matter is taken up for consideration, learned P.O. has tendered across the bar final order passed in the departmental enquiry conducted against the present applicant.

3. Learned Counsel for the applicant is not disputing the fact that, in the meanwhile, the departmental enquiry initiated against the applicant has been completed and the final order imposing punishment has also been passed. The learned Counsel submits that he has preferred a departmental appeal against the said order. The learned

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O.A.NO.174/2021

Counsel tried to submit that the entire action initiated by the department itself was illegal and as such the matter still can be argued by him.

4. We are, however, not convinced with the submissions so made. If at all, there is any objection as above with regard to conducting of departmental enquiry, finding recorded therein and punishment imposed on the applicant, remedy available to the applicant is to prefer the departmental appeal and if the grievance is not redressed at that level, applicant may approach the Tribunal with all the contentions which are intended to be raised by the applicant. In the circumstances, there is no propriety in keeping the O.A. pending. Hence, the following order:

ORDER

O.A. stands disposed of being infructuous without any order as to costs.

MEMBER (A)

MEMBER (J)

M.A.NO.348/2021 IN O.A.NO.832/2016
(Vishal P. Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents and Shri Parag Bhosale, learned Advocate for respondent no.5 (O.A.832/16), are present.

Shri P.S.Dighe, learned Advocate for respondent no.4 (O.A.832/16) is **absent**.

2. In the present matter, though the Tribunal has time and again called upon the respondent authorities to place on record the relevant material in respect of the recruitment process carried out, and more particularly, a common merit list of the candidates and thereafter the final selection list prepared by the department, none of the documents is coming forth and excuses are put forth for not filing documents on record.

3. In the circumstances, we are constrained to call upon Shri Omprakash Bakoriya, Commissioner, Sports and

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M.A.NO.348/2021 IN O.A.NO.832/2016

Youth Services, Pune to remain present before the Tribunal to assist the Tribunal in resolving the dispute raised in the present O.A. including objections made in O.A. reflecting on sanctity of the selection process, in general and selection of certain candidates not eligible for the same in particular. Needless to state the learned Commissioner shall require the concerned officer to accompany him with all relevant record with him including record relating to preparation of provisional and final merit list, approval of the same by competent authority and publication at prescribed stages.

4. Respondents are further directed to clarify on what basis the order of appointment was issued to Mahadev Vitthal Thorat vide letter of appointment dated 24-06-2016 and also file on record the relevant documents in that regard.

5. S.O. to 04-05-2022.

MEMBER (A)

YUK ORAL ORDERS 19.04.2022

MEMBER (J)

**C.P.NO.30/2019 IN O.A.NO.526/2011
(Mohd. Azizullah Khan Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. S.O. tomorrow i.e. on 20-04-2022.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDERS 19.04.2022

C.P.NO.10/2020 IN O.A.NO.913/2017
(Dilipkuar R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Shivraj V. Deshmukh, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. Present Contempt Petition is filed alleging non-observance of the order passed by this Tribunal in O.A.No.913/2017 on 3rd December, 2019. It is the contention of the applicant that the said order has not been complied in all respects and in accordance with the observations made therein. It is the contention of the applicant that the pension has not been fixed in accordance with the law and by ignoring the fact that the applicant was also entitled for grant of benefit under the Assured Career Progression Scheme which may have effect on the amount of pension. It is further argued that

recovery of Rs.1750/- which was also indicated in the communication dated 02-05-2017 and which the Tribunal has set aside vide the final order, has been again sought to be made. In the circumstances, according to the applicant, the respondents have committed the contempt of the order passed by this Tribunal.

3. Respondent no.1 has filed affidavit in reply and has denied the allegations made in the contempt petition. According to the respondent no.1, order passed by this Tribunal has been complied with and all necessary documents are annexed along with the affidavit in reply. Learned P.O. invited our attention to the said documents to buttress his contention that the order has been complied with.

4. After having considered the averments in the contempt petition and averments raised in the affidavit in reply as well as the documents annexed to the said affidavit, in our opinion, no case for initiating proceedings of contempt is made out. If it is the contention of the

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C.P.NO.10/2020 IN O.A.NO.913/2017

present applicant that the order has not been complied with in the manner the applicant was expecting its compliance, it cannot be held that there is willful disobedience of the order passed by this Tribunal. In the circumstances, the remedy available to the petitioner is to file a fresh comprehensive O.A. and not the Contempt Petition. Hence, the following order:

ORDER

Contempt Petition stands disposed of without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.491/2018
(Shivanand T. Taksale Vs. State of Maharashtra & Ors.)

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

DATE : **19.04.2022**

ORAL ORDER :

Ku. Anagha Pandit, learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri V.N.Upadhaye, learned Advocate for respondent no.4 and Shri A.S.Deshmukh, learned Advocate for respondent no.5, are present.

2. On request of learned Counsel for the applicant, S.O. to 22-06-2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : **19.04.2022**

ORAL ORDER :

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

2. On request of learned Counsel for the applicant, S.O. to 21-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1032/2019
(Sadashiv V. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : **19.04.2022**

ORAL ORDER :

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

2. Present O.A. was filed with the following prayers (p.b.p.22-23):

“B] The Departmental Enquiry constituted by the respondent no.2 vide Outward No.D.E./Police constable-70 Sawant and other 4 employee/Police station Ambad/2019 dated 22.8.2019 with reference Outward No. D.E./Police constable Sawant and other 4/2019/5798 dated 22.7.2019 against the applicant alongwith charge-sheet levelled against him may kindly be quashed and set aside and the enquiry may be dropped/revoked/withdrawn;

C] The applicant may kindly be transferred from Police Head Quarter Jalna to original post in local crime branch Jalna being treated a continuous service.”

3. Admittedly, no interim relief was granted staying the departmental enquiry initiated against the applicant. Today, when the present O.A. is taken up for hearing we are informed that the disciplinary enquiry has been completed and the disciplinary authority has imposed certain punishment also. In view of the above, present O.A. has become infructuous.

4. Learned Counsel for the applicant sought to contend that though the applicant has been exonerated from the charges leveled against him, he has not been reposted where he was working and the said aspect needs to be taken into account while disposing of the present O.A.

5. We are, however, not convinced with the submissions so made. The fact of completion of departmental enquiry and all subsequent facts as well as the relief which the applicant is now seeking could have been incorporated by the applicant by seeking amendment in the O.A.; but that has not been done. In the circumstances, the submissions

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O.A.NO.1032/2019

which are beyond pleadings cannot be considered and the relief based on such un-pleaded facts cannot be granted.

6. Having regard to the contents in the O.A. and the prayer made therein, it appears to us that because of completion of the departmental enquiry the present O.A. has become infructuous. If at all, any grievance is there of the applicant in respect of final order passed in the departmental enquiry, he may avail appropriate remedy available to him.

7. In view of the above, O.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.563/2021
(Santosh E. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicants and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. Departmental Enquiry was conducted against the applicant and he has been exonerated from the charges leveled in the said departmental enquiry. In the present O.A., it is the grievance of the applicant that in view of his exoneration from the charges leveled against him in the departmental enquiry, the respondents must have reposted him on the same post wherefrom he was suspended and enquiry was initiated against him. Learned Counsel submitted that the applicant was working in the Local Crime Branch, Jalna at the relevant time and after the conclusion of the departmental enquiry, the respondents have posted him at the Police Headquarters, Jalna.

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O.A.NO.563/2021

Learned Counsel, in the circumstances, relying on the judgment of the Maharashtra Administrative Tribunal Mumbai delivered in O.A.No.1007/2018 has prayed for quashing and setting aside the letter dated 20-11-2020 whereby the respondent no.2 has rejected the request of the applicant to post him in the Local Crime Branch and has also prayed for further relief to direct the respondents to give him posting in the Local Crime Branch, Jalna where he was working at the time of his suspension.

3. Learned P.O. has opposed for accepting the request of the applicant stating that the applicant does not possess any indefeasible right so as to seek posting of his choice. Learned P.O. submitted that after exoneration from the departmental enquiry, it is up to the respondent no.2 where to post the present applicant as per administrative convenience. Learned P.O. in the circumstances, has prayed for dismissal of the O.A.

4. We have considered the submissions advanced by the learned Counsel appearing for the applicant and the learned P.O. for the respondents.

5. We need not to reiterate the facts involved in the present matter since they are not in dispute. The only grievance of the applicant is that after he was exonerated from all the charges levelled against him in the departmental enquiry, the respondent no.2 shall have reposted him at Local Crime Branch, Jalna where he was working at the time of his suspension and subsequent initiation of the departmental enquiry against him. In support of his contention, the learned Counsel for the applicant has relied upon the judgment of this Tribunal in the case of **Shri Himmat Vasant Sapale V/s. The Chief Conservator of Forest (T) & Ors. (O.A.No.1007/2018)**.

6. We have gone through the contents of the judgment relied upon by the learned Counsel for the applicant. The facts in the said case are apparently different from the facts

involved in the present matter. In the circumstances, the said judgment may not be of much help for the applicant to canvass his prayer in the present O.A.

7. In our opinion, there is no legal base for the prayer made by the applicant that respondent no.2 must have posted him at the same place where he was working prior to his suspension. It is the prerogative of respondent no.2 where to post an employee working under his control. Respondent no.2 possesses the power to post employees under his control at the relevant places having regard to the administrative convenience. It is not his case that any inconvenient posting is given to the applicant. He was previously working in the Local Crime Branch at Jalna and now he has been posted at the Police Headquarters at Jalna. Nothing is revealing from the application filed by the applicant as to why for he is insisting to give him posting in the Local Crime Branch at Jalna and what prejudice is likely to be caused to him because of the posting given to him at Police Headquarters at Jalna.

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O.A.NO.563/2021

Neither his pay nor his position has been adversely affected.

8. For all aforesaid reasons, we see no merit in the O.A. It, therefore, deserves to be dismissed and is accordingly dismissed without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.116/2020
(Shaikh Akhtar Hussain Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri P.B.Rakhunde, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted.

3. S.O. to 16-06-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.271/2021
(Shivaji S. Kawade Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 16-06-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.308/2021 IN O.A.NO.492/2021
(Ganesh Chate & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Learned CPO has tendered across the bar a copy of Transfer Application made before the Principal Seat at Mumbai. Same is taken on record.

3. Shri Wagh, learned Advocate for the applicants submits that he will seek instructions in that regard.

4. The matter, therefore, stands adjourned to 16-06-2022.

MEMBER (A)

MEMBER (J)

M.A. No. 173/2020 in O.A. St. No. 576/2020
(Prakash Manohar Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 10 years, 11 months and 10 days caused for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking relief of entitlement of one notional increment of 1st July, 2009 for the service rendered by him from 01.07.2008 to 30.06.2009.

2. The applicant is the retired employee of the Revenue Department. He retired on attaining the age of superannuation on 30.06.2009 from the office of respondent No. 3 i.e. the Tahsildar, Beed, Tq. and Dist. Beed.

3. It is contended that as per Rule 9 and 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009, the date specified for grant of reckoning next pay increment is 1st July of each year. The last working day in service as Circle Officer of the applicant was 30.06.2009. In view of the same, he was eligible to

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O.A. St. 576/2020

receive the annual grade pay increment over and above what he was held to be eligible for his service up to 30.06.2009. However, the said notional increment falling on 01.07.2009 was not granted to the applicant by the respondent No. 3, as the applicant stood retired on 30.06.2009. Therefore, the applicant filed representation to the respondent No. 3 by making the said grievance on 14.02.2020. The respondent No. 3, however ignored the request, thereby injury is caused to the right of the applicant for monetary relief, which is of recurring nature in view of the case law of the Hon'ble Supreme Court reported in **AIR 1996 SC 669** in the matter of **M.R. Gupta Vs. Union of India and Ors.**, decided on 12.08.1995, as well as, the decision of the Hon'ble High Court of Judicature of Bombay, Bench at Aurangabad in the matter of **Sampatrao S/o Malojirao Waghmare Vs. The State of Maharashtra and Anr.** in **W.P. No. 2759/2010** delivered on 14.12.2010 relying upon the ration laid down in the citation of the Hon'ble Supreme Court in the case of **M.R. Gupta Vs. Union of India and Ors.** (cited supra).

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O.A. St. 576/2020

4. In view of above, it is contended that justice oriented approach can be adopted and the delay, which is occurred in challenging the notional annual increment and revised pension be condoned.

5. The affidavit in reply is filed on behalf of respondent Nos. 1 to 3 by one Shri Sanjeev S/o Kisanrao Raut, working as Naib-Tahsildar (Revenue-I), in the office of Tahsildar, Beed, Dist. Beed, thereby he denied all the adverse contentions raised in the present Misc. Application. It is, however admitted that the applicant was the Circle Officer with the office of respondent No. 3 at the time of his retirement on 30.06.2009. As on 01.07.2009, the applicant was not in service and therefore, the applicant is not entitled for benefit of grant of annual increment and more particularly in view of Rule 39 (1) of the Maharashtra Civil Services (Pay) Rules, 1981, as well as, the G.R. dated 30.10.2009.

6. Separate affidavit in reply is filed on behalf of respondent No. 4 i.e. the Accountant General (A & E)-II, Maharashtra State, Nagpur by one Shri Sandeep Purushottam Waikar, working as Asstt. Accounts Officer, Court Case Cell with the respondent No. 4,

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O.A. St. 576/2020

thereby he denied entitlement of the applicant of annual increment of 1st July, 2009, as he was retired on 30.06.2009. This respondent No. 4 has no role to grant or refuse the annual increment.

7. I have heard the arguments advanced by Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant on one hand and Smt. M.S. Patni, learned Presenting Officer for the respondents on the other hand.

8. At the outset, learned Advocate for the applicant submitted that similar relief of grant of annual increment to the Zilla Parishad employees on 1st July on different years is granted as per the Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 by the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in its order dated 02.03.2022 in the matter of **Pandurang Vithobaji Dhumne and Ors. Vs. The State of Maharashtra and Ors.** in **W.P. No. 5864/2019.**

9. Learned Advocate for the applicant further submitted that the applicant is having recurring cause in the facts and circumstances of the case falling on

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O.A. St. 576/2020

each time when the applicant receives monthly pension. To substantiate the said contentions, he placed reliance on the citation reported in **AIR 1996 SC 669** in the matter of **M.R. Gupta Vs. Union of India and Ors.** (cited supra), wherein it is observed as follows:-

“(6) The Tribunal misdirected itself when it treated the appellant's claim as 'one time action' meaning thereby that it was not a continuing wrong based on a recurring cause of action. The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a Government servant to be paid the correct salary throughout his tenure according to computation made in accordance with rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished. It is settled that the right of redemption is of this kind. (See [Thota China Subba Rao and Others vs. Mattapalli Raju and Others](#), AIR 1950 Federal Court 1).

(7) Learned counsel for the respondents placed strong reliance on the decision of this Court in [S.S. Rathore vs. State of Madhya Pradesh](#), [1989] Supp. 1 SCR 43. That decision has no application in the present case. That was a case of

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termination of service and, therefore, a case of one time action, unlike the claim for payment of correct salary according to the rules throughout the service giving rise to a fresh cause of action each time the salary was incorrectly computed and paid. No further consideration of that decision is required to indicate its inapplicability in the present case.”

10. Learned Presenting Officer on the other hand strenuously urged before me that there is no specific provision in law recognizing the right of the retired employee being retired on 30th June. Moreover, the case is to be appreciated also under the Rule 39 of the Maharashtra Civil Services (Pay) Rules, 1981 apart from Rule 9 and 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 contended by the applicant.

11. After having considered the rival submissions, it is seen that the applicant is claiming right of getting annual increment falling on 01.07.2009, in view of one year's service rendered by him prior to that from 01.07.2008 to 30.06.2009. The said contention raised by the applicant is required to be considered under various relevant provisions of Maharashtra Civil Services (Pay) Rules, 1981. It seems that before filing

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O.A. St. 576/2020

this proceeding, the applicant had made representation. However, the same is pending and is not considered by the respondents.

12. Considering the recent case law cited by the learned Advocate for the applicant of the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in **W.P. No. 5864/2019**, decided on 02.03.2022 in the matter of **Pandurang Vithobaji Dhumne and Ors. Vs. The State of Maharashtra and Ors.**, the applicant seems to have prima-facie meritorious case, which requires consideration. In such circumstances, refusing to condone the delay is likely to defeat the cause of justice at the threshold.

13. The applicant is claiming his right on the basis of Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009, which is as follows :-

“10. Date of next increment in the revised pay structure.

There will be a uniform date of annual increment, viz. 1st July of every year. Employees completing 6 months and above in the revised pay structure as on the 1st day of July will be eligible to be granted the increment. The first increment after fixation of pay on the 1st day of January 2006 in the

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O.A. St. 576/2020

revised pay structure will be granted on the 1st day of July 2006. Accordingly, all Government servants who earned their last increment between the 2nd day of January 2005 and the 1st day of January 2006 would get their next increment on the 1st day of July 2006. Provided that, in the case of Government servants whose date of increment falls on the 1st day of January 2006, the increment will be drawn in the pre-revised scale and pay fixed in accordance with these rules after including this increment. The next increment in the revised pay structure in such cases will be drawn on the 1st day of July, 2006.....”

It seems that the said provision is made effective from 01.01.2006. The applicant retired on superannuation on 30.06.2009. In view of the same, applicability of the said provision needs to be considered on merit in respect of the applicant. In the facts and circumstances of this case, it is difficult to conclude that the applicant is having recurring cause of action. But liberal approach can be adopted while considering the condonation of delay.

14. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. The applicant is agitating his rights of getting monetary relief by way of one annual increment for rendering

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O.A. St. 576/2020

one full year service prior to 30th June, 2009. In such circumstances, though the delay can be said to be of considerable period of 10 years it needs to be condoned in order to give fair opportunity to the applicant to be in matter. To what extent the applicant would be entitled for relief if any, is required to be considered and the same can be done by hearing the applicant in Original Application. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 2000/- on the applicant. Hence, I proceed to pass following order :-

ORDER

The Misc. Application No. 173/2020 is allowed in following terms:-

- (i) The delay of 10 years, 11 months and 10 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 2,000/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal

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M.A. No. 173/2020 in
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by the applicant within a period of one month from the date of this order.

- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

M.A. No. 172/2020 in O.A. St. No. 578/2020
(Asok Shankarrao Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 4 years, 11 months and 10 days caused for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking relief of entitlement of one notional increment of 1st July, 2015 for the service rendered by him from 01.07.2014 to 30.06.2015.

2. The applicant is the retired employee of the Revenue Department. He retired on attaining the age of superannuation on 30.06.2015 from the office of respondent No. 3 i.e. the Deputy Collector, EGS, Tq. and Dist. Beed.

3. It is contended that as per Rule 9 and 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009, the date specified for grant of reckoning next pay increment is 1st July of each year. The last working day in service as Awal Karkun of the applicant was 30.06.2015. In view of the same, he was eligible to receive the annual grade pay increment over and

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above what he was held to be eligible for his service up to 30.06.2015. However, the said notional increment falling on 01.07.2015 was not granted to the applicant by the respondent No. 3, as the applicant stood retired on 30.06.2015. Therefore, the applicant filed representation to the respondent No. 3 by making the said grievance on 24.02.2020. The respondent No. 3, however ignored the request, thereby injury is caused to the right of the applicant for monetary relief, which is of recurring nature in view of the case law of the Hon'ble Supreme Court reported in **AIR 1996 SC 669** in the matter of **M.R. Gupta Vs. Union of India and Ors.**, decided on 12.08.1995, as well as, the decision of the Hon'ble High Court of Judicature of Bombay, Bench at Aurangabad in the matter of **Sampatrao S/o Malojirao Waghmare Vs. The State of Maharashtra and Anr.** in **W.P. No. 2759/2010** delivered on 14.12.2010 relying upon the ration laid down in the citation of the Hon'ble Supreme Court in the case of **M.R. Gupta Vs. Union of India and Ors.** (cited supra).

4. In view of above, it is contended that justice oriented approach can be adopted and the delay,

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which is occurred in challenging the notional annual increment and revised pension be condoned.

5. The affidavit in reply is filed on behalf of respondent Nos. 2 to 4 by one Shri Shriram S/o Sharad Bende, working as Tahsildar, Shirur Kasar, Dist. Beed, thereby he denied all the adverse contentions raised in the present Misc. Application. It is, however admitted that the applicant was the Awal Karkun with the office of respondent No. 3 at the time of his retirement on 30.06.2015. As on 01.07.2015, the applicant was not in service and therefore, the applicant is not entitled for benefit of grant of annual increment and more particularly in view of Rule 39 (1) of the Maharashtra Civil Services (Pay) Rules, 1981, as well as, the G.R. dated 30.10.2009.

6. Separate affidavit in reply is filed on behalf of respondent No. 5 i.e. the Accountant General (A & E)-II, Maharashtra State, Nagpur by one Shri Sandeep Purushottam Waikar, working as Asstt. Accounts Officer, Court Case Cell with the respondent No. 5, thereby he denied entitlement of the applicant of annual increment of 1st July, 2015, as he was retired

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on 30.06.2015. This respondent No. 4 has no role to grant or refuse the annual increment.

7. I have heard the arguments advanced by Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant on one hand and Shri V.R. Bhumkar, learned Presenting Officer for the respondents on the other hand.

8. At the outset, learned Advocate for the applicant submitted that similar relief of grant of annual increment to the Zilla Parishad employees on 1st July on different years is granted as per the Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 by the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in its order dated 02.03.2022 in the matter of **Pandurang Vithobaji Dhumne and Ors. Vs. The State of Maharashtra and Ors.** in **W.P. No. 5864/2019.**

9. Learned Advocate for the applicant further submitted that the applicant is having recurring cause in the facts and circumstances of the case falling on each time when the applicant receives monthly pension. To substantiate the said contentions, he

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placed reliance on the citation reported in **AIR 1996 SC 669** in the matter of **M.R. Gupta Vs. Union of India and Ors.** (cited supra), wherein it is observed as follows:-

“(6) The Tribunal misdirected itself when it treated the appellant's claim as 'one time action' meaning thereby that it was not a continuing wrong based on a recurring cause of action. The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a Government servant to be paid the correct salary throughout his tenure according to computation made in accordance with rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished. It is settled that the right of redemption is of this kind. ([See Thota China Subba Rao and Others vs. Mattapalli Raju and Others](#), AIR 1950 Federal Court 1).

(7) Learned counsel for the respondents placed strong reliance on the decision of this Court in [S.S. Rathore vs. State of Madhya Pradesh](#), [1989] Supp. 1 SCR 43. That decision has no application in the present case. That was a case of termination of service and, therefore, a case of one time action, unlike the claim for payment of correct salary according to the rules throughout the

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service giving rise to a fresh cause of action each time the salary was incorrectly computed and paid. No further consideration of that decision is required to indicate its inapplicability in the present case.”

10. Learned Presenting Officer on the other hand strenuously urged before me that there is no specific provision in law recognizing the right of the retired employee being retired on 30th June. Moreover, the case is to be appreciated also under the Rule 39 of the Maharashtra Civil Services (Pay) Rules, 1981 apart from Rule 9 and 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2015 contended by the applicant.

11. After having considered the rival submissions, it is seen that the applicant is claiming right of getting annual increment falling on 01.07.2015, in view of one year's service rendered by him prior to that from 01.07.2014 to 30.06.2015. The said contention raised by the applicant is required to be considered under various relevant provisions of Maharashtra Civil Services (Pay) Rules, 1981. It seems that before filing this proceeding, the applicant had made

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representation. However, the same is pending and is not considered by the respondents.

12. Considering the recent case law cited by the learned Advocate for the applicant of the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in **W.P. No. 5864/2019**, decided on 02.03.2022 in the matter of **Pandurang Vithobaji Dhumne and Ors. Vs. The State of Maharashtra and Ors.**, the applicant seems to have prima-facie meritorious case, which requires consideration. In such circumstances, refusing to condone the delay is likely to defeat the cause of justice at the threshold.

13. The applicant is claiming his right on the basis of Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009, which is as follows :-

“10. Date of next increment in the revised pay structure.

There will be a uniform date of annual increment, viz. 1st July of every year. Employees completing 6 months and above in the revised pay structure as on the 1st day of July will be eligible to be granted the increment. The first increment after fixation of pay on the 1st day of January 2006 in the revised pay structure will be granted on the

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1st day of July 2006. Accordingly, all Government servants who earned their last increment between the 2nd day of January 2005 and the 1st day of January 2006 would get their next increment on the 1st day of July 2006. Provided that, in the case of Government servants whose date of increment falls on the 1st day of January 2006, the increment will be drawn in the pre-revised scale and pay fixed in accordance with these rules after including this increment. The next increment in the revised pay structure in such cases will be drawn on the 1st day of July, 2006.....”

It seems that the said provision is made effective from 01.01.2006. The applicant retired on superannuation on 30.06.2015. In view of the same, applicability of the said provision needs to be considered on merit in respect of the applicant. In the facts and circumstances of this case, it is difficult to conclude that the applicant is having recurring cause of action. But liberal approach can be adopted while considering the condonation of delay.

14. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. The applicant is agitating his rights of getting monetary relief by way of one annual increment for rendering one full year service prior to 30th June, 2015. In such

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circumstances, though the delay can be said to be of considerable period of 4 years it needs to be condoned in order to give fair opportunity to the applicant to be in matter. To what extent the applicant would be entitled for relief if any, is required to be considered and the same can be done by hearing the applicant in Original Application. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1500/- on the applicant. Hence, I proceed to pass following order:-

ORDER

The Misc. Application No. 172/2020 is allowed in following terms:-

- (ii) The delay of 4 years, 11 months and 10 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1,500/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal

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M.A. No. 172/2020 in
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by the applicant within a period of one month from the date of this order.

- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

M.A. No. 174/2020 in O.A. St. No. 574/2020
(Dnyanoba Wamanrao Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

O R D E R

1. The present Misc. Application is made seeking condonation of delay of about 02 years, 11 months and 10 days caused for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking relief of entitlement of one notional increment of 1st July, 2017 for the service rendered by him from 01.07.2016 to 30.06.2017.

2. The applicant is the retired employee of the Revenue Department. He retired on attaining the age of superannuation on 30.06.2017 from the office of respondent No. 3 i.e. the Tahsildar, Beed, Tq. and Dist. Beed.

3. It is contended that as per Rule 9 and 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009, the date specified for grant of reckoning next pay increment is 1st July of each year. The last working day in service as Naib Tahsildar of the applicant was 30.06.2017. In view of the same, he was eligible to

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receive the annual grade pay increment over and above what he was held to be eligible for his service up to 30.06.2017. However, the said notional increment falling on 01.07.2017 was not granted to the applicant by the respondent No. 3, as the applicant stood retired on 30.06.2017. Therefore, the applicant filed representation to the respondent No. 3 by making the said grievance on 18.02.2020. The respondent No. 3, however ignored the request, thereby injury is caused to the right of the applicant for monetary relief, which is of recurring nature in view of the case law of the Hon'ble Supreme Court reported in **AIR 1996 SC 669** in the matter of **M.R. Gupta Vs. Union of India and Ors.**, decided on 12.08.1995, as well as, the decision of the Hon'ble High Court of Judicature of Bombay, Bench at Aurangabad in the matter of **Sampatrao S/o Malojirao Waghmare Vs. The State of Maharashtra and Anr.** in **W.P. No. 2759/2010** delivered on 14.12.2010 relying upon the ration laid down in the citation of the Hon'ble Supreme Court in the case of **M.R. Gupta Vs. Union of India and Ors.** (cited supra).

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4. In view of above, it is contended that justice oriented approach can be adopted and the delay, which is occurred in challenging the notional annual increment and revised pension be condoned.

5. The affidavit in reply is filed on behalf of respondent Nos. 1 to 3 by one Shri Sanjeev S/o Kisanrao Raut, working as Naib-Tahsildar (Revenue-I), in the office of Tahsildar, Beed, Dist. Beed, thereby he denied all the adverse contentions raised in the present Misc. Application. It is, however admitted that the applicant was the Naib Tahsildar with the office of respondent No. 3 at the time of his retirement on 30.06.2017. As on 01.07.2017, the applicant was not in service and therefore, the applicant is not entitled for benefit of grant of annual increment and more particularly in view of Rule 39 (1) of the Maharashtra Civil Services (Pay) Rules, 1981, as well as, the G.R. dated 30.10.2017.

6. Separate affidavit in reply is filed on behalf of respondent No. 4 i.e. the Accountant General (A & E)-II, Maharashtra State, Nagpur by one Shri Sandeep Purushottam Waikar, working as Asstt. Accounts Officer, Court Case Cell with the respondent No. 4,

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thereby he denied entitlement of the applicant of annual increment of 1st July, 2017, as he was retired on 30.06.2017. This respondent No. 4 has no role to grant or refuse the annual increment.

7. I have heard the arguments advanced by Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant on one hand and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents on the other hand.

8. At the outset, learned Advocate for the applicant submitted that similar relief of grant of annual increment to the Zilla Parishad employees on 1st July on different years is granted as per the Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 by the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in its order dated 02.03.2022 in the matter of **Pandurang Vithobaji Dhumne and Ors. Vs. The State of Maharashtra and Ors.** in **W.P. No. 5864/2019.**

9. Learned Advocate for the applicant further submitted that the applicant is having recurring cause

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M.A. No. 174/2020 in
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in the facts and circumstances of the case falling on each time when the applicant receives monthly pension. To substantiate the said contentions, he placed reliance on the citation reported in **AIR 1996 SC 669** in the matter of **M.R. Gupta Vs. Union of India and Ors.** (cited supra), wherein it is observed as follows:-

“(6) The Tribunal misdirected itself when it treated the appellant's claim as 'one time action' meaning thereby that it was not a continuing wrong based on a recurring cause of action. The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a Government servant to be paid the correct salary throughout his tenure according to computation made in accordance with rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished. It is settled that the right of redemption is of this kind. ([See Thota China Subba Rao and Others vs. Mattapalli Raju and Others](#), AIR 1950 Federal Court 1).

(7) Learned counsel for the respondents placed strong reliance on the decision of this Court in [S.S. Rathore vs. State of Madhya Pradesh](#), [1989] Supp. 1 SCR 43. That decision has no application

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in the present case. That was a case of termination of service and, therefore, a case of one time action, unlike the claim for payment of correct salary according to the rules throughout the service giving rise to a fresh cause of action each time the salary was incorrectly computed and paid. No further consideration of that decision is required to indicate its inapplicability in the present case.”

10. Learned Presenting Officer on the other hand strenuously urged before me that there is no specific provision in law recognizing the right of the retired employee being retired on 30th June. Moreover, the case is to be appreciated also under the Rule 39 of the Maharashtra Civil Services (Pay) Rules, 1981 apart from Rule 9 and 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009 contended by the applicant.

11. After having considered the rival submissions, it is seen that the applicant is claiming right of getting annual increment falling on 01.07.2017, in view of one year's service rendered by him prior to that from 01.07.2016 to 30.06.2017. The said contention raised by the applicant is required to be considered under various relevant provisions of Maharashtra Civil Services (Pay) Rules, 1981. It seems that before filing

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this proceeding, the applicant had made representation. However, the same is pending and is not considered by the respondents.

12. Considering the recent case law cited by the learned Advocate for the applicant of the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in **W.P. No. 5864/2019**, decided on 02.03.2022 in the matter of **Pandurang Vithobaji Dhumne and Ors. Vs. The State of Maharashtra and Ors.**, the applicant seems to have prima-facie meritorious case, which requires consideration. In such circumstances, refusing to condone the delay is likely to defeat the cause of justice at the threshold.

13. The applicant is claiming his right on the basis of Rule 10 of the Maharashtra Civil Services (Revised Pay) Rules, 2009, which is as follows :-

“10. Date of next increment in the revised pay structure.

There will be a uniform date of annual increment, viz. 1st July of every year. Employees completing 6 months and above in the revised pay structure as on the 1st day of July will be eligible to be granted the increment. The first increment after fixation of pay on the 1st day of January 2006 in the

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revised pay structure will be granted on the 1st day of July 2006. Accordingly, all Government servants who earned their last increment between the 2nd day of January 2005 and the 1st day of January 2006 would get their next increment on the 1st day of July 2006. Provided that, in the case of Government servants whose date of increment falls on the 1st day of January 2006, the increment will be drawn in the pre-revised scale and pay fixed in accordance with these rules after including this increment. The next increment in the revised pay structure in such cases will be drawn on the 1st day of July, 2006.....”

It seems that the said provision is made effective from 01.01.2006. The applicant retired on superannuation on 30.06.2017. In view of the same, applicability of the said provision needs to be considered on merit in respect of the applicant. In the facts and circumstances of this case, it is difficult to conclude that the applicant is having recurring cause of action. But liberal approach can be adopted while considering the condonation of delay.

14. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. The applicant is agitating his rights of getting monetary relief by way of one annual increment for rendering

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one full year service prior to 30th June, 2017. In such circumstances, though the delay can be said to be of considerable period of 2 years it needs to be condoned in order to give fair opportunity to the applicant to be in matter. To what extent the applicant would be entitled for relief if any, is required to be considered and the same can be done by hearing the applicant in Original Application. In view of the same, in my considered opinion, this is a fit case to condone the delay by imposing the moderate costs of Rs. 1,000/- on the applicant. Hence, I proceed to pass following order :-

ORDER

The Misc. Application No. 174/2020 is allowed in following terms:-

- (iii) The delay of 02 years, 11 months and 10 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1,000/- by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal

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by the applicant within a period of one month from the date of this order.

- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.112 OF 2019
(Sheela H. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Record shows that on the last occasion last chance was granted to the respondent Nos.1 to 4 for filing affidavit-in-reply. However, till today no affidavit-in-reply is filed on behalf of the respondents.

3. Today, learned P.O. for the respondents seeks further time for filing affidavit-in-reply.

4. In view of above, subject to payment of costs of Rs.1,000/- (One Thousand only), final chance is granted to the respondent Nos.1 to 4 for filing affidavit-in-reply.

5. S.O.to 07.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.728 OF 2019
(Shrikant P. Borase Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that as per order dated 28.02.2020 most last chance was granted to the respondents for filing affidavit-in-reply subject to payment of costs of Rs.10,000/- (Rs. Ten Thousand Only). The said costs is not paid. There is no record to show that the costs is paid.
3. Today, learned P.O. seeks further time for filing affidavit-in-reply.
4. In view of same, though the learned P.O. for the respondents seeks time for filing affidavit-in-reply, the respondents are not entitled for seeking time.
5. In view of above, S.O. to 07.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.855 OF 2019
(Shobha R. Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.1 to 3.
3. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondent No.4.
4. S.O. to 06.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.895 OF 2019
(Dinkar K. Shelar Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. In view of absence of learned Advocate for the applicant, S.O.to 13.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.945 OF 2019
(Dr. Prashant D. Warkari Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 08.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.984 OF 2019
(Dr. Prithviraj K. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents seeks time for filing affidavit-in-reply stating that the affidavit-in-reply is ready but some corrections are to be made.
3. In view of above, final chance is granted to the respondents for filing affidavit-in-reply.
4. S.O. to 02.05.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.1059 OF 2019
(Kerba N. Jetewad Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 08.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.1061 OF 2019
(Kerba N. Jetewad Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of respondent Nos.1 to 3 & 6.

3. Learned Advocate for the applicant also seeks time for filing affidavit-in-rejoinder to the affidavit-in-reply filed on behalf of the respondent Nos.4 & 5. Time is granted.

4. S.O. to 08.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.14 OF 2020
(Gokulgir B. Gosavi Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri S.R. Sapkal, learned Advocate for the applicant, is **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.1 to 3.
3. Learned P.O. submits that the affidavit-in-reply of the respondent No.4 would not be necessary.
4. In view of above, S.O. to 07.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO.388 OF 2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Kishor Patil, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.
3. S.O. to 10.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.487 OF 2020
(Usha R. Bahirat Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri Shirish M. Kamble, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 10.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.514 OF 2020
(Kamlakar B. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard 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 respondents.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondent Nos.1 & 2.
3. S.O. to 07.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.82 OF 2021
(Deepak S. Zinjurde Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 13.06.2022.

MEMBER (J)

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

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents placed on record the copy of order dated 13.04.2022 passed by the respondent No.2 whereby impugned order of suspension of the applicant dated 02.05.2019 (Annex. 'A-2') is revoked subject to decision of the court. It is taken on record and placed at page no.84 of Paper Book in continuation of affidavit-in-reply.

2. Learned P.O. for the respondents submits that the affidavit-in-reply of respondent No.1 is not necessary.

3. Short affidavit-in-reply of respondent No.2 is already on record.

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

5. S.O. to 06.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.136 OF 2021
(Laxmi N. Dhotre Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Affidavit-in-rejoinder filed on behalf of the applicant to the affidavit-in-reply of respondent No.3 is taken on record and copy thereof has been served on the other side.

3. Affidavit-in-reply filed on behalf of the respondent Nos.1 and 2 is also taken on record and copy thereof has been served on the other side.

4. S.O. to 07.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO.137 OF 2021
(Premnath G. Akangire Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 13.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO.147 OF 2021
(Ratnaprabha T. Hingade Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 13.06.2022 for filing affidavit-in-rejoinder.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.272 OF 2021
(Jayawant R. Bhangare Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.314 OF 2021
(Govind A. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 14.06.2022 for admission. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO.374 OF 2021
(Pradeep K. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondent No.2.
3. S.O. to 10.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.479 OF 2021
(Lotan D. Vishi Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 09.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.544 OF 2021
(Jalpat L. Vasave Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Affidavit-in-reply filed on behalf of the respondent No.2 is taken on record and copy thereof has been served on the other side.
3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 and 3.
4. S.O. to 09.06.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

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

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 09.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.597 OF 2021
(Pradnya D. Medhe & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicants, time is granted for compliance of earlier order.

3. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.630 OF 2021
(Babasaheb H. Dahifale Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 13.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.643 OF 2021
(Tanjai M. Narale Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Yuvraj S. Choudhari, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

3. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.687 OF 2021
(Vipul R. Bhagwat Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri R.R. Bangar, learned Advocate holding for Shri I.D. Maniyar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that the amended copy of the Original Application is not received.
3. Learned Advocate for the applicant submits that he would serve the copy of amended O.A. if not served earlier.
4. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
5. S.O. to 14.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.691 OF 2021
(Amol V. Padale Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 14.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.723 OF 2021
(Amol V. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Amol N. Kakade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 02.05.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.730 OF 2021
(Imronoddin E. Shaikh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.744 OF 2021
(Dr. Suresh G. Dhakne Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents placed on record the copy of order dated 15.03.2022 whereby it is stated that the impugned order of suspension of the applicant dated 08.11.2021 is cancelled and the applicant is reinstated and posted at Ashti. The said document is taken on record and placed at page no.20 of P.B.

3. In view of above, grievance raised by the applicant said to have been redressed. In the result, the Original Application stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.96 OF 2022
(Nagraj S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Learned P.O. for the respondents seeks time for filing affidavit-in-reply.
3. Learned Advocate for the applicant submitted that the applicant is retiring on 31.05.2022 on superannuation. He further submitted that the impugned order of suspension of the applicant dated 20.12.2021 is challenged in this Original Application.
4. The Original Application is filed on or about 24.01.2022. During pendency of this Original Application, the period of 90 days is expired. Even after expiry of 90 days, disciplinary action contemplated against the applicant is not initiated.
5. In view of same, the learned Advocate for the applicant placed on record the short affidavit contending that the applicant would be entitled for the relief of giving direction for sending the matter for review of suspension order as per the settled case law.
6. In view of above, S.O. to 29.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.146 OF 2022
(Nitin M. Dandagavahal Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Anudeep Sonar, learned Advocate for the applicant and Shri M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that during the course of the day he will file service affidavit.
3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
4. S.O. to 10.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.159 OF 2022
(Sanjay D. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 13.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.160 OF 2022
(Anant A. Kendrekar Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Shri Akshay Kulkarni, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 13.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.262 OF 2022
(Sima P. Kangane Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 10.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.266 OF 2022
(Sharada D. Upewad Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri H.I. Pathan, learned Advocate for the applicant, is **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 13.06.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO.273 OF 2022
(Pradeep P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 13.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.277 OF 2022
(Akhtar Baig Baba Baig Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri Azizoddin R. Syed, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 14.06.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO.289 OF 2022
(Abhay R. Shreshtha Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Ganesh Jadhav, learned Advocate holding for Shri A.S. Shelke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. The Applicant was appointed as Craft Instructor (Bakery and Confectionary) under the establishment of respondent No.2 on ad-hoc basis vide appointment order dated 04.06.1997 (Annex. 'A-1'). The Applicant was continued by issuance of fresh appointment orders from time to time by giving technical breaks.

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O.A.289/2022

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

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

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

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

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

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

//4//

O.A.289/2022

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

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

MEMBER (J)

M.A.NO.84 OF 2019 IN O.A.NO.921 OF 2018
(Shriram B. Jadhav Vs. State of Maharashtra & Ors.)
WITH
M.A.NO.85 OF 2019 IN O.A.NO.922 OF 2018
(Hansraj M. Pawar Vs. State of Maharashtra & Ors.)
WITH
M.A.NO.86 OF 2019 IN O.A.NO.923 OF 2018
(Shivaji M. Shelke Vs. State of Maharashtra & Ors.)
WITH
M.A.NO.87 OF 2019 IN O.A.NO.924 OF 2018
(Dhananjay P. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicants in all these matters and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these matters.

2. The present Misc. Applications are closed for order.

MEMBER (J)

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

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

DATE : 19.04.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks permission to correct the name of the respondent No.3 along with address as the Deputy Commissioner of Transport, 5th Floor, Fountain MTNL Building 2, Fort, M.G. Road, Mumbai-400 001 in M.A. as well as in O.A.

3. Permission as prayed for is granted. The applicant to carry out correction forthwith.

4. Issue fresh notice the respondent No.3 in M.A., returnable on 14.06.2022.

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

6. 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.

//2// M.A.284/2020 IN
O.A.St.1213/2020

7. 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.
8. 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.
9. S.O. to 14.06.2022.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.288 OF 2020 IN O.A.ST.NO.1063 OF 2020
(Pratap S. Sontakke Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri D.A. Mane, learned Advocate holding for Shri Ganesh J. Kore, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 14.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.250 OF 2021 IN O.A.ST.NO.999 OF 2021
(Pramod P. Narkhede Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

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

3. S.O. to 10.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.251 OF 2021 IN O.A.ST.NO.1001 OF 2021
(Manohar J. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 10.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.391 OF 2021 IN O.A.NO.450 OF 2021
(Dr. Pratap P. Ege Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Onkar Gholap, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 4. Shri P.R. Tandale, learned Advocate for the respondent No.5, is **absent.**

2. Learned P.O. for the respondents submits that the para-wise remarks are received and sent for approval of the Government.

3. In view of above, S.O. to 14.06.2022 for filing affidavit-in-reply.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.399 OF 2021 IN O.A.ST.NO.1725 OF 2021
(Sunanda B. Maske & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.403 OF 2021 IN O.A.ST.NO.1539 OF 2021
(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 09.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.130 OF 2020
(Vishnu E. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 15.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.131 OF 2020
(Ratan S. Narwade Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 15.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.167 OF 2022 IN O.A.ST.NO.553 OF 2022
(Agatrao N. Kolekar Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. Issue notice the respondents in M.A., returnable on 16.06.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 16.06.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO.349 OF 2022
(Sahebrao S. Pallewad Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. The Original Application is filed challenging the impugned order/communication dated 22.03.2022 (Annex. 'A-6') issued by the respondent No.2 i.e. the Superintendent of Police, Nanded refusing permission to the applicant to join on the post as per order of transfer dated 15/16.03.2022 (Annex. 'A-4') issued by the respondent No.3 i.e. the Superintendent of Police, Beed.

3. By order dated 15/16.03.2022 (Annex. 'A-4') issued by the respondent No.3, the applicant is transferred from Parli City, Dist. Beed to Nanded, Dist. Nanded on the post of Police Constable.

4. By impugned order/communication dated 22.03.2022 issued by the respondent No.2 i.e. the Superintendent of Police, Nanded addressed to the respondent No.3 i.e. the Superintendent of Police,

Beed, the applicant has not been allowed to join and he is sent back stating that the doubt arises as regards complying with the requirement of G.R. dated 26.10.2017 applicable for inter district transfer. The objection is about non production of Caste Validity Certificate by the applicant. It appears that the applicant's Caste Validity Certificate proposal is submitted and it is pending with the concerned competent authority.

5. Learned Advocate for the applicant submitted that the impugned order/communication dated 22.03.2022 is having the effect of cancellation of transfer order dated 15/16.03.2022 (Annex. 'A-4'). The same is done without hearing the applicant. The impugned order/communication is not in accordance with law. The G.R. dated 26.10.2017 does not stipulate the production of Caste Validity Certificate.

6. Learned P.O. for the respondents submits that notices may be issued to the respondents.

7. After having considered the pleadings and documents on record, it appears that the impugned order/communication is issued taking help of G.R. dated 26.10.2017. The said G.R. speaks of giving the administrative sanction to the Rules of transfer

pertaining to the Constabulary in the cadre of Police Constable to A.S.I. What are the actual rules are not produced at this stage of matter.

8. By the impugned order/communication the respondent No.2 i.e. the Superintendent of Police, Nanded who is supposed to allow the applicant to join at inter-district transfer place has raised certain objections. The said authority raised doubt about issuances of requisite permanency certificate to the applicant for inter-district transfer.

9. In the circumstances, in my considered opinion, even if the said order is issued without hearing the applicant, it cannot be said that prima-faice there is any contravention of any provision. Hence, in my opinion, this is not a fit case to grant interim relief. Hence prayer for granting interim relief is rejected.

10 In view of above, issue notice to the respondents, returnable on 15.06.2022.

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

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O.A.349/2022

12. 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.

13. 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.

14. 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.

15. S.O. to 15.06.2022.

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

MEMBER (J)

ORIGINAL APPLICATION ST.NO.1148 OF 2021
(Manoranjan M. Gatkal Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. In view of absence of learned Advocate for the applicant, S.O. to 17.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.117 OF 2021
(Sudhir R. Tambe Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri Ajit B. Gaikwad, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 17.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.112 OF 2022
(Bharat D. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned C.P.O., S.O. to 21.04.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.448 OF 2019 IN O.A.ST.NO.1571 OF 2019
(Janabai B. Gadade Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri R.J. Nirmal, learned Advocate for the applicant, is **absent**. Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. It appears that nobody is appearing on behalf of the applicant at list since 21.12.2021. It seems that the applicant is not interested in pursuing the matter. Hence, the present matter is dismissed in default.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**M.A.NO.387 OF 2021 IN O.A.ST.NO.1673 OF 2021
(Nilesh V. Sapkale Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Santosh N. Pawde, learned Advocatae holding for Shri M.K. Bhosale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 17.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.932 OF 2017
(Walmik L. Kande Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O. for the respondents, S.O. to 21.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.823 OF 2018
(Shubham H. Myadarwad Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri G.J. Karne, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The present matter is closed for order.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.506 OF 2021
(Ranjana A. Barde Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankahde , learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present matter be treated as part heard.
3. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.616 OF 2018
(Kokane G. Revana Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Smt. A.N. Ansari, learned Advocate for the applicant, is **absent**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 15.06.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.853 OF 2018
(Pramod C. Bute Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. The present matter be treated as part heard.
3. By consent of both the sides, S.O. to 29.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.37 OF 2019
(Chandrasen K. Bahure Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.386 OF 2019
(Gautam R. Fasale Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 26.04.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.488 OF 2019
(Shaikh Ajaml Shaikh Abdulla Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Kunal A. Kale, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.613 OF 2019
(Dilip B. Bodre Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Shri S.C. Bhosale, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

MEMBER (J)

ORIGINAL APPLICATION NO.623 OF 2019
(Umesh B. Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.721 OF 2019
(Bhagwan W. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

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

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.982 OF 2019
(Govind Y. Bharsakhale Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 22.06.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.1087 OF 2019
(Ravindra B. Chobe Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

**ORIGINAL APPLICATION NO.211 OF 2020
(Nilesh B. Dighe Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

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

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

MEMBER (J)

**ORIGINAL APPLICATION NO.236 OF 2021
(Vikram B. Garje Vs. State of Maharashtra & Ors.)**

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.388 OF 2021
(Navnath L. Dhande Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 21.06.2022.
3. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO.132 OF 2020
(Jaywant B. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

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

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

MEMBER (J)

SAS ORAL ORDERS 19.04.2022

ORIGINAL APPLICATION NO.358 OF 2022
(Kiran V. Jagdale Vs. State of Maharashtra & Ors.)

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

DATE : 19.04.2022

ORAL ORDER :

Heard Shri Amol N. Kakade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. This Original Application is filed challenging the impugned order/communication dated 22.03.2022 (Exh. 'J') issued by the respondent No.3 addressed to the respondent No.4 i.e. the Superintendent of Police, Ahmednagar asking him to call for three choices of Seashore Districts from the applicant for effecting transfer.

3. The applicant was initially appointed by order dated 03.09.2011 (Exh. 'B') and was posted at Raigad on the post of Police Constable (Sailor) deck side. He made representation dated 27.09.2021 (Exh. 'D') to the respondent No.2 i.e. the Director General of Police, Mumbai seeking transfer in the office of respondent No.4 i.e. the Superintendent of Police, Ahmednagar in its Motor Vehicle Department as a Driver. His request was considered by order dated 11.11.2021(Exh. 'E'). He was accordingly transferred at Ahmednagar

in the office of respondent No.4 i.e. the Superintendent of Police, Ahmednagar in its Motor Vehicle Department. He was allowed to join in the said department by the respondent No.4 on 06.12.2021 but on temporary basis stating that there was no sanctioned post of Police Constable (Sailor) under the respondent No.4.

4. The applicant, therefore, made representation dated 08.12.2021 to the respondent No.2 seeking permission to work at Ahmednagar. Thereafter, impugned order dated 22.03.2022 (Exh. 'J') came to be passed seeking three choices of Seashore Districts from the applicant as there was no sanctioned post of Sailor available under the office of respondent No.4.

5. Learned Advocate for the applicant submitted that the applicant was transferred temporarily under the office of respondent No.4 at Ahmednagar as per his request and his representations for accommodating him in Transport Department of respondent No.4 is still pending. All of sudden the applicant was asked to give choices for transfer.

6. Learned P.O. for the respondents states that notices may be issued to the respondents and he will file reply to the same.

7. After considering the pleadings and documents on record, *prima facie*, it seems that some administrative difficulties are expressed by the respondent No.4 to accommodate the applicant. No doubt, that the applicant has been transferred specifically in Transport Department of the respondent No.4. However, the transfer order of the applicant does not specifically mention the post on which he is to be accommodated.

8. In the circumstances, granting stay to the impugned order dated 22.03.2022 (Exh. 'J') issued by the respondent No.2 would cause administrative inconvenience to the respondents. In the totality of the circumstances, interim relief granting to the extent of any decision taken by the respondent authorities would be subject to the outcome of present case would suffice the purpose. It is ordered accordingly.

9. Issue notice the respondents, returnable on 14.06.2022.

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

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

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

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

14. S.O. to 14.06.2022.

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

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 508 OF 2022
(Madhukar Kautik Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 24.6.2022.

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

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

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

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

7. S.O. to 24.6.2022.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 356 OF 2022
(Vijay Bhaurao Khande Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 22.4.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 22.4.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 344 OF 2022
(Mahadev Bibishan Shelke Vs. State of Maha. & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 22.4.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 22.4.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

C.P.NO. 12/2022 IN O.A.NO. 265/2017

(Dr. Suresh M. Karamunge Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Heard Shri R.R. Bangar, learned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 22.6.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 22.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 105 OF 2021
(Smita Khandu Suryavanshi & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri Ajinkya Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicants, S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

**M.A.ST.NO. 1291/2020 IN O.A.NO. 493/2018
(Rajendra K. Shimpi Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. At the request of learned counsel for the applicants, S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 19.4.2022-HDD

ORIGINAL APPLICATION NO. 83 OF 2017
(Smt. Sayyad Jarinabai Raisoddin & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri H.A. Joshi, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicants, S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 262 OF 2019
(Vijay Uddhav Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply of respondent Nos. 1, 2 & 4 is not yet filed. Learned Presenting Officer has sought time to file affidavit in reply. Time granted by way of last chance. It is clarified that if the affidavit in reply is not filed on or before the next date, the matter shall be heard without affidavit in reply.

3. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : **19.4.2022**

ORAL ORDER :

Shri Kiran M. Nagarkar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that process is going on for complying with the order passed by this Tribunal in O.A. No. 83/2018. Learned Presenting Officer has sought three weeks' time for submitting the compliance report. Time granted.

3. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 19.4.2022-HDD

C.P.NO. 19/2019 IN O.A.NO. 226/2016
(Shivram N. Dhapate Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri P.M. Shinde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicants, S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 19.4.2022-HDD

ORIGINAL APPLICATION NO. 190 OF 2017
(Dattatraya J. Zombade Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri Sham Patil, learned counsel for the applicant and Shri V.R Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicants, S.O. to 27.4.2022. This is a part heard matter. No further adjournment will be granted. **High on Board.**

MEMBER (A)

MEMBER (J)

**O.A.NOS. 98, 141, 142, 200, 205, 206, 207. 208 & 101
ALL OF 2022
(Sunil B. Rajemod & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

S/Shri Sham Patil, Shrikant S. Kulkarni & M.S. Karad, learned counsel for the respective applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, are present.

2. By consent of both the parties, S.O. to 22.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 19.4.2022-HDD

ORIGINAL APPLICATION NO. 144 OF 2022
(Dr. Dayanand P. Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned counsel for the applicant prays for reissuance of notices to the respondents. Hence, reissue notices to the respondents, returnable on 23.6.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 23.6.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

O.A.NOS. 56 TO 67 ALL OF 2019

(Dr. Balaji M. Mirkute & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these cases and Shri A.B. Shinde, learned counsel for respondent Nos. 4 & 5 in all these cases, are present.

2. Learned Chief Presenting Officer and learned counsel for respondent Nos. 4 & 5 seek time for filing affidavit in reply in all these cases. Time granted.

3. S.O. to 18.7.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 518 OF 2021
(Asmita M. Kekan & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri S.S. Thombre, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. By consent of both the parties, S.O. to 21.4.2022.

MEMBER (A)

MEMBER (J)

REV.NO. 211/2022 IN O.A.NO. 490/2021
(Ninad Ashokrao Lande Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri H.H. Padalkar, learned counsel for the petitioner (Review) is **absent**.

Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Avniash Khedkar, learned counsel for respondent the applicant in O.A. No. 490/2021, are present.

2. None appears for the petitioner in Rev. Petition. On the last date also nobody appeared for the petitioner in Rev. Petition. The present matter could not be taken up today for want of time. Hence, S.O. to 28.4.2022. **High on board**. The interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**O.A.NO. 892/2018 WITH O.A.NO. 901/2018
(Dhananjay D. Chandodkar & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri S.S. Thombre, learned counsel for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents in both the cases, are present.

2. At the request of learned counsel for the applicants, S.O. to 23.6.2022. Interim relief granted earlier in O.A. No. 892/2018 to continue till then.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 19.4.2022-HDD

ORIGINAL APPLICATION NO. 230 OF 2019
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri S.K. Kadam, learned counsel for respondent No. 3, are present.

2. By consent of both the parties, S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 57 OF 2022
(Abdul Rajjak Abdul Rahim Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 59 OF 2022
(Ramesh Dhupaji Narwade Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned counsel for the applicants and Shri B.S. Deokar & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective OAs.

2. The facts in both these applications being identical we have heard common arguments in both these matters and deemed it appropriate to decide both these applications by a common reasoning.

3. Both these applicants were working as Police Head Constable at Aurangabad. The Departmental Enquiry was conducted against both of them on certain charges and the disciplinary authority vide order dated 6.9.2020 has imposed punishment of compulsory retirement on both of them. Against the said order both the applicants have preferred departmental appeals with the State Government. The applicant in O.A. No. 57/2020 has preferred such an appeal on 14.10.2020, whereas the applicant in O.A. No. 59/2020 has preferred such an appeal on 12.10.2020. It

:: - 2 - :: O.A.NO. 57 & 59 BOTH OF 2022

is the only grievance of the applicants in the present OAs that though the period of more than 16 months has elapsed their appeals have not been decided. The applicants have, therefore, sought directions against respondent No. 1 to decide the departmental appeal preferred by them expeditiously.

4. The facts as are stated in the present applications are not disputed by the learned Presenting Officer. In the circumstances, both these present original applications can be disposed of with the following order: -

ORDER

(i) Respondent No. 1 shall decide the departmental appeals preferred by these applicants on 14.10.2020 and 12.10.2020 respectively against the order dated 6.9.2020 passed by respondent No. 2, within a period of three months from the date of this order.

(ii) There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

M.A.NO. 88/2022 IN O.A.NO. 815/2021
(Yashwant B. Birhade Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Shri Harshal P. Randhir, learned counsel for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. Since nobody appears for the applicant, S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 19.4.2022-HDD

M.A.NO. 334/2020 IN O.A.NO. 894/2019
(Suman B. Wavdhane Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri Ghodke, learned counsel holding for Shri G.L. Deshpande, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 19.4.2022-HDD

ORIGINAL APPLICATION NO. 26 OF 2020
(Sanjay D. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri Girish A. Nagori, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities (**present**). SHri D.A. Madake, learned counsel for respondent No. 19 (**absent**).

2. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 537 OF 2019
(Narendra R. Thakur Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 937 OF 2018
(Pradip S. Dahale Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 689 OF 2015
(Dr. Shrikant B. Tambe Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri Pradip R. Patil, learned counsel for respondent No. 5 and Shri V.B. Wagh, learned counsel for respondent No. 6, are present.

2. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2016
(Manohar K. Borse Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Shri S.S. Dambe, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 142 OF 2018
(Suresh L. Moholkar Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 350 OF 2022
(Prahlad C. Shelke Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 24.6.2022. **Learned counsel appearing for the applicant has insisted for interim relief thereby staying the promotions to the post of Police Sub-Inspector till decision of the present application. We are not inclined to stop the entire process. It is, however, clarified that during pendency of the present O.A. if the promotions are effected, the said promotions shall be subject to the outcome of the present O.A.**

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book

of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

7. S.O. to 24.6.2022.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 709/2017
(Shri Ramesh M. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri P.B. Rakhunde, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 13.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 756/2018
(Barindrakumar C. Gavit Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 814/2018
(Chandrasen V. Gaysamundre Vs. State of Maharashtra
& Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri P.B. Rakhunde, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 906/2018
(Shri Chetan S. Ahire Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 336/2019
(Shri Anil S. Navale Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri A.R. Tapse, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 22.6.2022.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 380, 886, 631, 677 AND 714 ALL OF 2019
(Shri Bhanudas E. Ugale & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

S/shri C.A. Shingare, R.D. Khadap and A.V. Thombre holding for S.S. Thombre, learned Counsel for the applicants in all these matters and S/shri I.S. Thorat, M.P. Gude & Smt. Sanjivani Deshmukh Ghate, learned Presenting Officers for the respondent authorities in respective matters, are present.

2. The learned Presenting Officers have sought time for filing affidavit in reply of the remaining respective respondents in respective matters. Time granted.

3. S.O. to 23.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 617/2019
(Shri Rohit S. Mhaske & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. The learned counsel for the applicants has sought time for filing rejoinder. Time granted.

3. S.O. to 23.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 761/2019
(Shri Vitthal G. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. The learned counsel for the applicant has sought time for filing rejoinder. Time granted.

3. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 913/2019
(Shri Shirish D. Deshmukh & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, Shri S.B. Deshpande, learned counsel for respondent no. 6 and Shri V.B. Wagh, learned counsel for respondent nos. 7 to 19, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondent nos. 3 to 5. Time granted as a last chance.

3. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1076/2019
(Shri Ramling S. Kamble Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri S.D. Joshi, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 24.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 40/2019
(Shri Shankar P. Dange Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri R.J. Nirmal, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 27.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 634/2021
(Shri Shankar S. Waghmare Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri H.P. Jadhav, learned counsel holding for Shri V.S. Panpatte, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 27.6.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 190/2022

(Shri Devendra S. Gunday Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

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

2. Await service of notice upon the respondents.
3. S.O. to 28.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 256/2022
(Shri Ashok S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri S.D. Dhongde, learned counsel holding for Smt. Suchita A. Dhongde, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 28.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 264/2022
(Shri Ganesh P. Jagtap Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 295/2022
(Shri Bhagwan K. Mane Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

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. Await service of notice upon the respondents.
3. S.O. to 28.6.2022.

MEMBER (A)

MEMBER (J)

**M.A. 614/2019 IN O.A. ST. 2365/2019
(Shri Hanuman P. Jarare Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

2. The learned counsel submits that the applicant does not wish to file rejoinder.

3. List the matter for hearing on 21.6.2022.

MEMBER (A)

MEMBER (J)

M.A. 14/2021 IN O.A. ST. 1471/2020

(Smt. Varsha M. Kalyankar Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 21.6.2022.

MEMBER (A)

MEMBER (J)

**M.A. 97/2021 IN O.A. ST. 329/2021
(Shri Baban R. Zagade Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

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. The learned Presenting Officer has tendered across the bar affidavit in reply of respondent nos. 1 to 4. The same is taken on record and copy thereof has been supplied to the other side.

3. S.O. to 22.6.2022 for filing rejoinder, if any, by the applicant.

MEMBER (A)

MEMBER (J)

M.A. 16/2022 IN O.A. ST. 1505/2021

(Shri Ramesh R. Kulthe Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

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

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

3. S.O. to 24.6.2022 for filing rejoinder, if any, by the applicant.

MEMBER (A)

MEMBER (J)

M.A. 53/2022 IN O.A. ST. 99/2022
(Shri Gorakh R. Limaji Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Shri S.V. Chandanwal, learned counsel holding for Shri P.S. Mantri, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notice for the respondent no. 1.
3. S.O. to 23.6.2022.

MEMBER (A)

MEMBER (J)

M.A. 125/2022 IN O.A. ST. 120/2022
(Shri Gunaji D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : **19.4.2022**

ORAL ORDER :

Smt. Shital Kabra, learned counsel holding for Shri V.S. Bhale, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 23.6.2022.

MEMBER (A)

MEMBER (J)

**O.A. NOS. 117, 205, 396, 410, 416, 442, 453, 463, 479, 484, 542, 571, 590, 611, 613, 621, 686, 731, 594, 643 ALL OF 2015 WITH O.A. NOS. 02, 05, 171, 441, 258, 519 ALL OF 2016
(Shri Ganendrasingh B. Chandel & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

S/shri J.S. Deshmukh, learned counsel for himself and holding for M.A. / A.M. Kulkarni, H.A. Joshi, J.B. Choudhary and S.D. Dhongde learned counsel for the applicants in respective matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, are present.

2. With the consent of both the sides, S.O. to 12.7.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 876/2016
(A.R. Gavane Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 153/2017

(Dr. Ramnath B. Hemke Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.D. Aghav, learned counsel for respondent nos. 4 & 5, are present.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 220/2021

(Shri Sayyed Shoukatali Sabirali Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

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

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 561/2019
(Shri Ramesh P. Barhe Vs. State of Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Shri S.D. Dhongde, learned counsel holding for Smt. Suchita A. Dhongde, learned Counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.S. Chillarge, learned counsel for respondent no. 3, are present.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 557/2020
(Smt. Savita S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

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

2. S.O. to 14.6.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 66/2018

(Shri Dnyeshwar P. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel holding for Shri Kuldeep S. Patil, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Arguments of both the sides are heard. The matter is closed for orders.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 294/2020
(Shri Ramakant Popat Padale Vs. State of Maharashtra
& Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Heard Shri Amarsingha D. Sonkawade, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present applicant is working on the post of Driver in the Water Resources Department. In the year 2017 the Soil & Water Conservation Department came to be established and the employees working in the Water Resources Department were given option of joining the said new Department and to be part of said Department on their establishment. Accordingly the present applicant also gave his option to be absorbed in the Soil & Water Conservation Department. It is the contention of the applicant that while giving such option he had specifically stated that commensurate with his educational qualification he shall be considered for appointment on the post of Assistant Storekeeper or Junior Clerk or any other post equivalent to that. Such option was given by the applicant on 14.7.2017.

3. It is the contention of the applicant that the Soil & Water Conservation Department, however, absorbed him on the post of Driver on which he was working in his parent Department. It is his further contention that after knowing that he has been absorbed in the new Department on the post of Driver, applicant has communicated his unwillingness to join on the said post of Driver in Soil & Water Conservation Department. It is the further contention of the applicant that he is never relieved by his parent Department i.e. Water Resources Department and till date he is working in the said Department.

4. It is the grievance of the applicant in the present application that only on the ground that he had given option to be absorbed in Soil & Water Conservation Department his candidature has not been considered for the promotional post in his parent Department i.e. Water Resources Department. In the circumstances, the applicant has filed the present application with the following prayers :-

“(A) That this Hon’ble Tribunal be pleased to hold and declare that the applicant is working on the post of Driver (Class III) in the office of Respondent Nos. 1, 3, 4, 5 and 6 and is entitled for promotion.

(B) That the Hon’ble Tribunal be pleased to direct the Respondent Nos. 1, 3, 4, 5 and 6 that the applicant be promoted to the post of Clerk / Typist (Class III) with appropriate deem date of promotion and with all consequential benefits.

(C) That the respondents be directed to produce all the records of the present case along with their reply for perusal of this Hon'ble Tribunal.

(D) Allow the costs of this application to the applicant.

(E) Pass such other orders or reliefs as deemed fit and proper in the facts and circumstances of the case in favour of the applicant and against the respondent.”

5. The learned Presenting Officer has resisted the contentions raised in the application. The affidavit in reply on behalf of respondent nos. 1 to 4 is there on record. It is the contention of the respondents that once the option was exercised by the applicant, as mentioned in the relevant communications, he is estopped from withdrawing the said option and therefore, his name has rightly been kept out of consideration for promotional post in the Water Resources Department.

6. We have considered the submissions advanced by the learned counsel appearing for the applicant and the learned Presenting Officer. We have gone through the documents filed on record. It is true that the options were invited by the Soil & Water Conservation Department and in pursuance thereof the applicant has exercised the option for joining in the said Department. However, in the application so submitted by the applicant while exercising the said option it has been specifically mentioned by him

that in the Soil & Water Conservation Department he must be given the posting as Assistant Storekeeper or Junior Clerk or on any other equivalent post commensurate with his educational qualification.

7. In the Notification dated 31.5.2017 it was specifically stated that the educational qualification will be considered while absorbing the candidates from Water Resources Department and experienced and qualified candidates will be given preference in the respective category while giving appointment. It seems that with belief that in the Soil & Water Conservation Department the applicant may be posted on the post of Assistant Storekeeper or Junior Clerk or any other equivalent post, meaning thereby that he will get promotional post in the new department, the applicant exercised the option; however, when he came to know that he will be absorbed on the post of Driver, he immediately communicated to the Soil & Water Conservation Department that he would not join the said department. It is the further matter of record that though the option was exercised by the applicant, the Water Resources Department has not relieved him and he is still working in the said Department.

8. In view of the facts as aforesaid and more particularly when the Water Resources Department has never relieved the applicant and continued to take his services, the

impugned decision of the said Department of not considering the applicant for promotional post in the said Department apparently appears unjust and improper. When the applicant still continues to be on the establishment of Water Resources Department, on the ground that he has exercised the option to join the Soil & Water Conservation Department, the applicant cannot be denied the right of promotion in his parent Department, if he is otherwise eligible for the said promotion. As has come on record, the applicant had immediately communicated his unwillingness to the Soil & Water Conservation Department to join on the post of Driver vide his letter dated 22.6.2018. It appears that the said application was routed through the parent Department of the applicant. Thus, the parent Department of the applicant can be said to have knowledge of the fact that the applicant has communicated his unwillingness to join the Soil & Water Conservation Department. We reiterate that, the applicant was not relieved by the parent Department and he continued to be on the establishment of Water Resources Department. It appears to us that the respondent no. 5 could not have kept the applicant out of consideration when he has applied for the promotional post on the ground that he has given an option to join the Soil & Water Conservation Department.

9. We may usefully refer to recent the recent G.R. bearing No. आस्थाप २०१८/प्र.क्र.१३७/जल-२, dated 4.9.2019 issued

by the Soil & Water Conservation Department, Mantralaya, Mumbai to which we have referred while rendering decision in **O.A. No. 581/2018 with M.A. No. 372/2018 (Vaishali Raju Barhate Vs. State of Maharashtra & Ors.)** dated 21.2.2022. Vide the said G.R. the Soil & Water Conservation Department has now resolved not to allow any employee from the Water Resources Department to join the said Department even if such employee had exercised an option of joining the said Department, but has not joined till date of said Resolution. The said Resolution must be within the knowledge of the Officers of the Water Resources Department. In view of the said Circular there is no possibility of the present applicant being absorbed in the Soil & Water Conservation Department. For this reason also the Water Resources Department shall consider the case of the present applicant for promotion, if he is otherwise eligible and entitled.

10. In view of the aforesaid circumstances and reasons stated by us, we direct the respondents to consider the case of the present applicant on its own merit for promotion to the post of Clerk / Typist Class-III, if he is otherwise eligible for the said post. The Original Application thus stands allowed in the aforesaid terms without any order as to costs.

MEMBER (A)

ARJ ORAL ORDERS 19.4.2022

MEMBER (J)

**ORIGINAL APPLICATION NO. 284/2021
(Shri Jitendra Shivajirao Sonawane Vs. State of
Maharashtra & Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that though he is eligible for grant of benefit of first Assured Career Progression Scheme (for short A.C.P. scheme) since he has completed 10 years of service on the post of Accounts Officer Group-B on 17.11.2018, however, the same has not been granted to him till date.

3. In the affidavit in reply only reason assigned by the respondents for not considering the case of the applicant is that the applicant has not passed the Departmental Examination.

4. The applicant has placed on record the document, which shows that he has passed the Departmental Examination in the year 2010 itself. The another communication, which is filed on record supports the contentions of the applicant since immediate superior of

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O.A. NO. 284/2021

the applicant has recommended the proposal of the applicant for grant of benefit of first A.C.P. scheme in his favour.

5. In view of the aforesaid facts there seems no reason for not granting benefit of first A.C.P. scheme to the applicant. The present Original Application deserves to be allowed. Hence, the following order :-

ORDER

(i) The respondents shall consider the case of the applicant for grant of benefit of first A.C.P. scheme if he is otherwise eligible. The only reason for not granting said benefit to him as has been mentioned in the affidavit in reply is that he has not passed the Departmental Examination, for which reason the case of applicant may not have been scrutinized on merit in all probability. Therefore, respondents shall pass speaking order and provide a copy of the same to the applicant.

(ii) The necessary action shall be taken in the present matter within the period of 3 months from the date of this order.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 300/2021
(Shri Aabasaheb B. Ghayal Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.4.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that though he is eligible for grant of benefit of first Assured Career Progression Scheme (for short A.C.P. scheme) since he has completed 10 years of service on the post of Accounts Officer Group-B on 17.11.2018, however, the same has not been granted to him till date.

3. In the affidavit in reply only reason assigned by the respondents for not considering the case of the applicant is that the applicant has not passed the Departmental Examination.

4. The applicant has tendered across the bar the document dated 10.3.2014, which shows that he has passed the Departmental Examination i.e. Part-I in June, 2009 and Part-II in February, 2013 itself. The another communication, which is filed on record supports the

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O.A. NO. 300/2021

contentions of the applicant since immediate superior of the applicant has recommended the proposal of the applicant for grant of benefit of first A.C.P. scheme in his favour.

5. In view of the aforesaid facts there seems no reason for not granting benefit of first A.C.P. scheme to the applicant. The present Original Application deserves to be allowed. Hence, the following order :-

ORDER

(i) The respondents shall consider the case of the applicant for grant of benefit of first A.C.P. scheme if he is otherwise eligible. The only reason for not granting said benefit to him as has been mentioned in the affidavit in reply is that he has not passed the Departmental Examination, for which reason the case of applicant may not have been scrutinized on merit in all probability. Therefore, respondents shall pass speaking order and provide a copy of the same to the applicant.

(ii) The necessary action shall be taken in the present matter within the period of 3 months from the date of this order.

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

MEMBER (A)

MEMBER (J)

M.A. 333/2020 IN O.A. 797/2016

(Shri Gaurav A. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 19.4.2022

ORAL ORDER :

Heard Smt. Sumedha C. Thombre, learned counsel holding for Shri C.V. Thombre, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present application is filed seeking restoration of Original Application, which was dismissed in default. The delay has occurred of 897 days in preferring the present application. Certain justification is sought to be given for the delay which has occurred in preferring the present application. Original Application is filed seeking appointment on compassionate ground on the basis of recommendations of Lad – Page Committee.

3. The learned Presenting Officer has opposed for condoning the delay and restoration of O.A. stating that there are absolutely no justifiable reason for condoning the delay of such a longer period.

4. We have gone through the contents of the present application. It seems that the Counsel for the applicant failed in keeping track with the matter and that has

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M.A. 333/20 IN O.A. 797/2016

resulted in dismissal of Original Application in default. Though it is true that some responsibility lies with the applicant also, insofar as the present applicant is concerned, who comes from lower strata of the society, is not expected to have the knowledge of day to day progress in his matter. He must be depending upon his Counsel. Original Application is filed seeking appointment on compassionate ground. The claim of the applicant needs to be considered on merits. We are, therefore, inclined to allow the present application. Hence the following order :-

ORDER

- (i) Misc. Application stands allowed.
- (ii) Delay occurred in filing the present M.A. stands condoned.
- (iii) Original Application No. 797/2016 is restored to its original file.
- (iv) List Original Application for further consideration on 14.6.2022.

There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

