

**ORIGINAL APPLICATION NO. 1073 OF 2022
(Gajanan S. Bachipale & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri Azaroddin C. Pathan, learned counsel holding for Shri S.R. Kolhare, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 25.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

**ORIGINAL APPLICATION NO. 1144 OF 2022
(Ritesh C. Kamble Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri Azaroddin C. Pathan, learned counsel holding for Shri R.I. Wakade, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 25.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

ORIGINAL APPLICATION NO. 25 OF 2023
(Vijay N. Mithpalle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 722 OF 2023
(Aparna A. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Heard Shri A.B. Rajkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Part heard.
3. S.O. to 22.01.2024 for further hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

ORIGINAL APPLICATION NO. 870 OF 2023
(Vijay P. Bauskar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri Anil P. Basarkar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks adjournment for the reason that the copy of the reply is not received.

3. Learned P.O. to provide the copy of reply to the learned counsel for the applicant immediately.

4. S.O. to 15.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 89 OF 2018
(Sayeda Khalida Md. Neem Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.R. Pande, learned counsel for respondent No.3, are present.

2. S.O. to 01.02.2024 at **3:00 p.m.** for final hearing

MEMBER (J)

ORIGINAL APPLICATION NO. 489 OF 2019
(Vinod R. Kandere Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicant, is **absent**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 889 OF 2019
(Vijaykumar G. Birjadar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 328 OF 2021
(Vijaykumar G. Birjadar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri G.G. Ladde, learned counsel for the applicants in both the O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in both the O.As, are present.

2. None present for the applicants. It appears that the applicants are not willing to pursue these matters. List the matters in the month of March for passing orders.

3. S.O. to 21.03.2024 for passing orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 1026 OF 2019
(Keshav M. Soundarmal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. S.O. to 21.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

ORIGINAL APPLICATION NO. 293 OF 2020
(Vilas U. Jagtap Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

ORIGINAL APPLICATION NO. 369 OF 2020
(Uttam G. Salve Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. S.O. to 26.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

**ORIGINAL APPLICATION NO. 411 OF 2020
(Ashfaq Shahnoor Quraishi Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. S.O. to 26.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

**ORIGINAL APPLICATION NO. 496 OF 2020
(Mohd Akif Abrar Mohd. Abdul Rauf Vs. State of
Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. S.O. to 26.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

ORIGINAL APPLICATION NO. 517 OF 2020
(Nandkishor K. Gupta Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Smt. Vidya Taksal, learned counsel for the applicant, Shri U.B. Bondar, learned counsel for the respondent No.3 and Shri R.V. Naiknaware, learned counsel for respondent No.5, are **absent**.

Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 27.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 19.01.2024 sas

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

Shri G.V. Mohekar, learned counsel for respondent No.4, is **absent**.

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

3. S.O. to 09.02.2024. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 597 OF 2023
(Ashish N. Hiware Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

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. This is part heard matter.

3. In terms of directions given by this Tribunal by order dated 18.12.2023, learned P.O. submits short affidavit on behalf of respondents. The same is taken on record and copy thereof is given to other sides.

4. Learned P.O. on oral instructions submits that the concerned respondent is likely to take review of the suspension order in near future probably before the next date of hearing.

5. S.O. to 09.02.2024 for further hearing. .

MEMBER (J)

**ORIGINAL APPLICATION NO. 497 OF 2020
(Bhujang V. Godbole Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. This is part heard matter.

3. Learned counsel for the applicant submits that the applicant has received certain important documents pertaining to subject matter of this O.A. under Right to Information Act and the applicant would like to submit those documents along with short affidavit. Learned counsel for the applicant seeks time for the same. Time granted.

4. S.O. to 02.02.2024 for further hearing.

MEMBER (J)

C.P.NO. 69/2023 IN O.A.NO. 870/2019
(Dr. Devrao Satwaji Dakhure Vs. State of Mah. & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

2. In the present matter notice has been issued on 24.11.2023. Learned Presenting Officer seeks time to file affidavit in reply. The prayer made for filing affidavit reply cannot be rejected. However, learned Presenting Officer shall take instructions, if the order passed by this Tribunal has not been challenged before any higher Court what steps are taken towards implementation of the order passed by this Tribunal, positively on the next date.

3. S.O. to 15.02.2024.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1034 OF 2023
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

2. Shri A.D. Gadekar, learned counsel holding for Shri Kadam submits that learned counsel Shri Kadam has instructions to appear for respondent No. 4 and he is filing his VAKALATNAMA in the office. He has sought time to file affidavit in reply. Learned Chief Presenting Officer has also sought time for filing affidavit in reply.

3. Learned counsel for the applicant submits that taking into account urgency in the matter no longer time may be given in the present matter.

4. In view of the above, list the matter on 5.2.2024. By that time both the counsel appearing for respective respondents shall file affidavit in reply.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 351 OF 2023
(Dr. Rajesh B. Kharat Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

2. Learned Presenting Officer has sought time to file affidavit in reply. The request is opposed by the learned counsel appearing for the applicant. The record shows that ample opportunities are already availed by the respondents for filing affidavit in reply. The request made by the learned P.O., therefore, stands rejected.

3. List the matter for hearing on 3.3.2024 without affidavit in reply of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 897 OF 2023
(Dhanraj B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

Shri D.T. Devane, learned counsel for respondent Nos. 5, 10 & 11, is **absent**.

2. Learned Presenting Officer seeks time to file affidavit in reply. Previously also 2/3 chances are availed for filing affidavit in reply. However, in the interest of justice, time is granted by way of last chance till 12.02.2024.

3. S.O. to 12.02.2024. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 994 OF 2023
(Trimbak Dasu Chavan Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply. Previously also 2/3 chances are availed for filing affidavit in reply. However, in the interest of justice, time is granted by way of last chance till 12.02.2024.

3. S.O. to 12.02.2024. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

ORIGINAL APPLICATION NO. 231 OF 2021
(Sushilkumar Bharat Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 09.02.2024.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

ORIGINAL APPLICATION NO. 490 OF 2023
(Janabai M. Shere Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

Shri Santosh S. Jadhavar, learned counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record.

3. Since nobody appears for the applicant, S.O. to 26.02.2024.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

M.A.NO. 193/2023 IN O.A.ST.NO. 61/2023
(Ramesh V. Mathpati Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

Shri V.R. Nawathe, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 19.03.2024.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

ORIGINAL APPLICATION NO. 52 OF 2024
(Rajendra T. Weldode Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 20.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 20.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 65 OF 2024
(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

Heard Shri R.A. Joshi along with Shri Vijay R. Katariya, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 05.02.2024.
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 05.02.2024.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 850 OF 2023
(Yuvraj S. Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

Shri Vishnu Kandhe, learned counsel holding for Shri Ajinkya Reddy, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.3.2024.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

ORIGINAL APPLICATION NO. 951 OF 2019
(Shankar V. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

Shri D.R. Irale Patil, learned counsel for the applicant has filed leave note. Mrs. Deepali S. Deshapnde, learned Presenting Officer for the respondent authorities, is present.

Shri B.S. Deshmukh, learned counsel for respondent No. 4, is **absent**.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 05.03.2024.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

ORIGINAL APPLICATION NO. 93 OF 2022
(Smt. Vidya S. Sudane Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

2. S.O. to 06.02.2024.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

ORIGINAL APPLICATION NO. 468 OF 2022
(Smt. Smita Sanjay Ingle Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.02.2024. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

M.A.NO. 357/2023 IN O.A.NO. 6/2023
(State of Maharashtra & Ors. Vs. Pandurang G. Lomole)

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

DATE : **19.1.2024**

ORAL ORDER :

Shri M.P. Gude, Presenting Officer for the applicants in M.A./respondents in O.A. and Shri V.B. Wagh, learned counsel for the respondent in M.A./applicant in O.A., are present.

2. S.O. to 08.02.2024. Interim relief granted earlier in O.A. to continue till then.

VICE CHAIRMAN

ORAL ORDER 19.1.2024-HDD

M.A.NO. 79/2021 IN O.A.ST.NO. 288/2021
(Pralhad V. Fiske Vs. State of Maharashtra & Ors.)

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

DATE : **19.1.2024**

ORAL ORDER :

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

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

3. In the accompanying Original Application the applicant is praying for grant of the benefit under 6th Pay and 7th Pay Commission, which has not been granted to the applicant. Learned counsel for the applicant submitted that the applicant has filed several representations and was bona-fide expecting that representations may be decided in his favour, however, the respondents did not decide the said representations till date. Learned counsel further submitted that in the meanwhile departmental enquiry was also initiated but the same is ultimately dropped. Criminal prosecution, which was pending against the applicant is also

concluded with the acquittal of the applicant. The State Government has challenged the said acquittal before the Hon'ble High Court by filing an appeal, which is pending. Learned counsel submits that in the circumstances delay of about four and half years has occasioned in filing the accompanying Original Application.

4. Learned counsel appearing for the applicant further submits that in fact, there is continuing cause of action for the applicant since service benefits which are accrued in favour of the applicant have not been given to the applicant. Learned counsel in the circumstances, prayed for condonation of delay and to give an opportunity to the applicant to prosecute his matter on merits.

5. The respondents have filed their affidavit in reply and have opposed the contentions and the prayers made in the application. Learned Presenting Officer submitted that the applicant has not made out any case for condoning the delay and even in the application no specific reason has been assigned justifying the delay, which has occasioned in approaching the Tribunal by the applicant. He, therefore, prayed for rejecting application for condonation of delay.

6. I have duly considered the submissions made on behalf of the applicant, as well as, the State authorities. It is not in dispute that the criminal prosecution was pending against the applicant. It is also not in dispute that the applicant ultimately got acquitted in the said criminal prosecution and now the appeal filed by the State before the Hon'ble High Court is pending. The copies of the representations are filed on record. There is, therefore, reason to believe that the applicant was agitating for his grievance with the departmental authorities. Moreover, the relief which has been sought by the applicant does have continuous cause of action. The delay occasioned in filing accompanying O.A., therefore, deserves to be condoned and the applicant deserves to be given an opportunity to prosecute his matter on merits. Hence, the following order: -

ORDER

- (i) The Misc. Application is allowed.
- (ii) The delay occurred in filing accompanying O.A. is condoned.
- (iii) The accompanying Original Application be numbered and registered in accordance with law.
- (iv) There shall be no order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION ST.NO. 288 OF 2021
(Pralhad V. Fiske Vs. State of Maharashtra & Ors.)**

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

DATE : **19.1.2024**

ORAL ORDER :

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

2. After registration of O.A., issue notice to the respondents, returnable on 20.03.2024.

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

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

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

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

7. S.O. to 20.03.2024.

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

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 111 OF 2024
(Satish U. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by order dated 14.06.2022 the applicant came to be suspended w.e.f. 26.04.2022. The applicant is still under suspension and the charge-sheet of the Departmental Enquiry has been served on the applicant on 07.02.2023. By filing the present Original Application, the applicant is challenging the legality and validity of the said suspension order.

3. Learned counsel for the applicant submits that the office has raised an objection that though the alternate remedy of filing appeal is available, the same is not exhausted. Learned counsel submits that in the instant matter the appointing authority is the Government and the impugned order dated 14.06.2022 (Annexure A-1) has been issued under the seal of Governor. Learned counsel submits that

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in view of the same, the objection raised by the office is not sustainable.

4. In view of above submissions and since the learned counsel for the applicant has placed reliance in a case of **Asha Balaji Garud Vs. State of Maharashtra and Ors in O.A. No. 644/2023**, dated 20.07.2023, wherein in the similar set of facts this Tribunal has made the same observation, I am inclined to issue notices to the respondents, by keeping the objection raised by the office open.

5. Issue notices to the respondents, returnable on 13.03.2024.

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

7. 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.

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O.A. St. 111/2024

8. 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.

9. 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.

10. S.O. to 13.03.2024.

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

MEMBER (J)

KPB ORAL ORDER 19.01.2024

**ORIGINAL APPLICATION NO. 525 OF 2021
(Gurling N. Tanwade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri Suchita Dhongde, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Smt. Rutuja Kulkarni, learned counsel holding for Shri D.T. devane, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for respondent No. 3, S.O. to 07.03.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 603 OF 2022
(Sachin G. Shelke Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 25.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 727 OF 2022
(Laxman N. Mahure Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri P.H. Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.01.2024

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Vishnu Kande, learned counsel holding for Shri Ajinkya Reddy, learned counsel for respondent No. 2, are present.

2. At the request of learned counsel for respondent No. 2, S.O. to 15.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1055 OF 2022
(Hemantkumar M. Sonawani & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Smt. Suchita Dhongde, learned counsel holding for Shri A.S. Dhongde, learned counsel for respondent Nos. 4 & 6, are present.

2. S.O. to 23.02.2024 for hearing with liberty to file the affidavit in reply on behalf of respondent Nos. 1 & 2.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 54 OF 2023
(Sayed Shafi Sayyed Lal & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants submits that the applicants do not want to file rejoinder affidavit.

3. Pleadings completed. List the matter for admission hearing on 14.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 498 OF 2023
(Ratnakala M. Mohite Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

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

2. Even though the last chance is given, the affidavit in reply is not filed.

3. List the matter for hearing on 13.02.2024 with liberty to other side to file affidavit in reply till that time, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 947 OF 2023
(Kiran S. Rathod & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 & 2 and 3 separately. Same are taken on record and copies thereof are given to learned counsel for the applicants.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 11.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 58 OF 2024
(Khaisar Jakirsab Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 06.02.2024.

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

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

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

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

7. S.O. to 06.02.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 538 OF 2022
(Narendra L. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. Even though the present matter is part heard, learned counsel for the applicant remained absent today and also two previous dates. In view of the same, list the matter for passing necessary orders on 02.02.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 686 OF 2021
(Mahesh G. Premalwad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri M.B. Kolpe, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.01.2024

**ORIGINAL APPLICATION NO. 711 OF 2021
(Lalita B. Gaikwad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri R.M. Jade, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Today none present for the applicant. Even though on last date also the applicant and his counsel remained absent.

3. In view of the same, S.O. to 07.03.2024 for passing necessary orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 85 OF 2022
(Madhav B. Nilawad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri B.G. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.01.2024

ORIGINAL APPLICATION NO. 518 OF 2022
(Ganesh A. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, as a last chance, S.O. to 11.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 577 OF 2022
(Yogesh G. Salunkhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 756 OF 2022
(Jitendra V. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri V.D. Godbharle, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 903 OF 2022
(Balaji G. Kharat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 19.01.2024

ORAL ORDER :

Shri V.A. Dhakne, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 3 & 5, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1 and since the learned counsel for the applicant has not obtained the copy affidavit in reply on behalf of respondent No. 2, same is given to the learned counsel for the applicant before this Tribunal today itself.

3. Learned counsel for the applicant seeks time to go through the affidavit in reply and file rejoinder affidavit, if any.

4. However, the present matter may be listed for hearing on 15.03.2024.

MEMBER (J)