

ORIGINAL APPLICATION NO.311/2019
(Rekha Manikhedkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

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

2. In the present matter on 06-05-2024 following order was passed:

“2. When the present matter is taken up for consideration, learned Counsel for applicant invited our attention to the statement made in paragraph 4 of the affidavit in reply filed on behalf of respondent nos.1 and 2. We deem it appropriate to reproduce the entire said paragraph which reads thus:

“I further humbly say that, the respondent could have refused the claim of applicant in a natural way of process as she did not make it into the application form. Still the Respondent authority considered her in a sympathetic way and humanity ground and declared her eligible. She will be considered positively as soon as the vacant post for the physically handicapped candidate is available.”

[Reproduced ad-verbatim from p.b.p.83]

3. *In view of the statement made by the respondents, respondents are directed to place on record information by way of a short affidavit as about the vacancies which arose for the physically handicapped candidates after the date of filing of the affidavit in reply by them i.e. on 03-10-2019 till the date. Respondents are also called upon to explain if the vacancies had arisen why they have not adhered to their commitment made as above.*

4. *S.O. to 10-06-2024.”*

3. After passing the said order, on the next date a communication dated 03-07-2024 received to the office of CPO from the office of respondent no.2 was tendered. We are reproducing hereinbelow the entire text of the said communication as it is in vernacular:

“विषयांकित न्यायालयीन प्रकरणाच्या अनुषंगाने सादर करण्यात येते की, श्रीमती रेखा इंद्रपाल मनिखेडकर यांनी स्पर्धा परिक्षा २०१८ साठी फक्त अ.जा. या प्रवर्गातून अर्ज भरला होता, त्यांनी अपंग प्रवर्गाबाबत कोणताही दावा केला नसल्याने आता त्यांना नियुक्ती देणे शक्य होणार नाही. सदर बाब मा. न्यायालयाच्या कृपया निर्देशनास आणून द्यावी ही विनंती. तसेच आवश्यकता भासल्यास अतिरिक्त शपथपत्र न्यायालयात दाखल करणेबाबत मा. न्यायालयास विनंती करावी, ही विनंती”

4. The stand as aforesaid taken by the respondent no.2 is apparently contrary to the stand taken by the said respondents in their joint affidavit in reply which we have reproduced hereinabove. As is revealing from the contentions raised in the affidavit in reply filed by him along with respondent nos.1, they have held the applicant eligible to be considered for appointment against the posts reserved for physically handicapped candidates. Not only that the applicant is held eligible, the respondent nos.1 and 2 have further undertaken that she will be considered positively as soon as the vacant post for the physically handicapped candidate is available. In view of the aforesaid statement certain information was called for from the respondents. It is surprising that instead of submitting the said information such communication is made by respondent no.2 taking a stand completely opposite to the stand taken in the affidavit in reply.

5. In the circumstances, we deem it appropriate to pass the following order:

ORDER

[i] Respondent no.2 shall explain why a different stand is taken by him than reflected in the affidavit in reply filed by him along with respondent no.1 on 03-10-2019.

[ii] Respondent no.2 shall also explain why he has not submitted the information as was directed to be submitted in the order passed by this Tribunal on 06-05-2024. Along with his explanation, respondent no.2 shall furnish the said information without fail.

[iii] If respondent no.2 fails in submitting explanation and in providing the information as sought by the Tribunal, the Tribunal may require the respondent no.2 to personally remain present before this Tribunal.

6. S.O. to 29-08-2024. Steno copy may be provided to the learned P.O. on his request.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO.579/2023 WITH M.A.ST.NO.2324/2023 IN
O.A.ST.NO. 2325/2023
(Pallavi S. Karande & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 19.08.2024

ORAL ORDER :

Shri C.V.Dharurkar, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. submits that reply will be filed in the present matter within a week. In view of the statement so made, matter stands adjourned to 27-08-2024. If reply is not filed on or before said date, matter may be heard and decided without reply of the respondents.

3. S.O. to 27-08-2024.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.564/2024
(Ajitkumar Khansole Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri R.R.Kale, learned Counsel holding for Shri R.J.Nirmal, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. sought time to file affidavit in reply. Time is granted.

3. S.O. to 19-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.474/2024
(Devsing Jarwal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 09-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1046/2023
(Wasimakram Hakim Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

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

2. Learned PO submits that he will file affidavit in reply on behalf of respondent nos.1 and 2 during the course of the day. If reply is filed, it be taken on record. Learned PO undertakes to serve copy of the reply on the other side.

3. S.O. to 04-10-2024.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

C.P.NO.11/2024 IN O.A.NO.372/2019
(Dr. Sanjay V. Deshpande Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondent nos.2 & 3, returnable on 10.09.2024.

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 10.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 19.08.2024

ORIGINAL APPLICATION NO.835/2024

(Dr. Sulochana S. Bagul Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO.836/2024

(Dr. Bharti K. Nagre Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO.837/2024

(Dr. Ramesh S. Kute Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants, Shri V.R.Bhumkar, Shri V.G.Pingle, learned Presenting Officers and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in respective O.As.

2. Learned counsel for applicants submits that in the identical matters the Tribunal has passed the interim order and one of such order passed in O.A.No.408/2024 is placed on record. Having considered the facts involved in the present matters, which are identical, as submitted by the learned counsel, with the facts involved in the aforesaid O.A.No.408/2024, we are inclined to pass similar order in the present matter also. Hence, the following order:-

ORDER

(i) Issue notice to the respondents, returnable on 25.09.2024.

(ii) The respondents shall continue the present applicants in service till 31.05.2025 or till decision in the present OAs, whichever occurs earlier.

=2= O.A.835, 836 & 837 all of 2024

(iii) We make it clear that the continuation of the present applicants till 31.05.2025 will be subject to the outcome of the present O.A. The question of the Respondents' power, in case the applicants fail in their challenge, to pass necessary orders in respect of recovery/adjustment of the pay/wages paid to them for the services rendered under the interim order, is kept open. Similarly, the question of continuation of the applicants beyond 31.05.2025 till they attain the age of 60 years is also kept open.

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

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

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

(vii) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date.

Applicants are directed to file affidavit of compliance and notice.

(viii) S.O. to 25.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 19.08.2024

ORIGINAL APPLICATION NO.871/2024
(Vinod N. Nirwal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

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

2. Learned Counsel submits that inadvertently notices were not collected in the present matter. Time is therefore sought to be extended. Applicant to collect notices. Returnable time is extended till 30-10-2024.

3. S.O. to 30-10-2024.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

M.A.NO.563/2023 IN O.A.NO.526/2023
(Angad R. Shinde Vs. State of Maharashtra & Ors.)

**O.A.NOS.1037, 1038, 1055 TO 1067, 1072 TO 1075 ALL
OF 2023**
(Sanjay S. Patil & Ors. Vs. State of Maharashtra & Ors.)

O.A.NO.757/2023
(Yashwant Katkar & Anr. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 19.08.2024

ORAL ORDER :

Shri U.L.Momale, learned Counsel holding for Shri Mahesh S. Deshmukh, learned Counsel for applicants, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri U.L.Momale, learned Counsel for applicant in O.A.526/23, O.A.No.1037/23 & Ors. & 757/2023, are present.

Shri R.P.Bhumkar, learned Counsel for the applicant in M.A. M.A.NO.563/2023 is **absent**.

2. Shri Momale, learned Counsel has filed affidavit in rejoinder in O.A.No.1063/2023, 1037/2023, 1055/2023, 1056/2023, 1058/2023 & 1010/2023. Same are taken on record. Copies thereof be served on the other side.

=2= M.A.563/2023 IN O.A.526/2023 & 1037/23 & Ors.

3. Learned CPO submits that during the course of the day affidavit in reply will be filed in O.A.No.1064/2023, 1065/2023, 1072/2023, 1073/2023 & 1075/2023. If replies are filed, same be taken on record. Learned CPO undertakes to serve copies of reply on the other side.
4. Present group of matters be placed for hearing on 09-09-2024.
5. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.388/2024
(Avinash S. Munde Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri R.A.Joshi, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-08-2024. **High on Board.**

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

M.A.NO.193/2024 IN O.A.ST.NO.1277/2024
(Mugaji M. Kakde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned Counsel holding for Shri Jiwan J. Patil, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Present M.A. is filed by the applicant seeking condonation of delay of 11 months which has occurred in filing O.A. raising objection to the seniority list published on 29-07-2022. After having read the application for condonation of delay, in our opinion, sufficient reasons are made out for condoning the said delay. Learned CPO also fairly submitted for passing appropriate order. In view of above, following order is passed:

ORDER

- [i] M.A. is allowed.
- [ii] Delay caused in filing the O.A. is condoned.
- [iii] O.A. be registered in accordance with law.

MEMBER (A)

VICE CHAIRMAN

O.A.ST.NO.1277/2024

(Mugaji M. Kakde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned Counsel holding for Shri Jiwan J. Patil, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant prayed for keeping the matter before the Lok Adalat. Similar matters are placed before the Lok Adalat to be held on 28-09-2024. Hence, the present matter also be listed before the Lok Adalat.

3. Learned P.O. has no objection for keeping the matter before Lok Adalat. Hence, the following order:

ORDER

O.A. be placed before the Lok Adalat on 28-09-2024.

MEMBER (A)

YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.181/2023
(Dr. Prawara P. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri S.P.Koli, learned counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Respondent no.2 is the contesting respondent in the O.A. and it has filed the affidavit in reply. Learned Counsel for the applicant submits that today only he has collected copy of reply submitted by respondent no.2. However, he has prayed for placing the matter for hearing. In the meanwhile, it will be open for the applicants to file rejoinder, if they so desire.

3. S.O. to 10-10-2024.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.702/2024
(Nandkumar V. Nagpure Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

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

2. Learned CPO files affidavit in reply on behalf of respondent no.1. It is taken on record. Copy thereof be served on the other side.

3. List the matter for hearing on 12-09-2024.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

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

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

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

2. S.O. to 09-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.14/2024
(Swati J. Khatal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

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

2. Learned P.O. submits that during the course of the day affidavit in reply will be submitted in the matter. If the reply is submitted, it be taken on record. Learned P.O. undertakes to serve copy of the reply on the other side.

3. S.O. to 05-09-2024.

MEMBER (A)

VICE CHAIRMAN

LATER ON

Learned Presenting Officer submits that though the affidavit in reply is received some changes are required to be made in the said affidavit in reply and for that he seeks time of one week. Time granted as prayed for.

2. List the matter on 05.09.2024. Learned Presenting Officer undertakes to inform the order passed later on by this Tribunal to Advocate K.B. Bhise, who is appearing for the applicant.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 195/2024 IN O.A.NO. 489/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 196/2024 IN O.A.NO. 362/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 197/2024 IN O.A.NO. 363/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 198/2024 IN O.A.NO. 365/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

M.A.NO. 199/2024 IN O.A.NO. 368/2024
(Shalini R. Raut & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 385 OF 2024
(Pranita Shivaji Randive Vs. State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 386 OF 2024
(Shital Diliprao Kadam Vs. State of Maha. & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024
ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicants in all these MAs/Intervenors and S/Shri V.R. Bhumkar & V.G. Pingle learned Presenting Officers for the respondent authorities in all these matters and Shri M.B. Bharaswadkar, learned counsel for respondent No. 2 in O.A. Nos. 362, 363, 365 & 368 all of 2024, Shri Ajay Deshpande, learned counsel for the respective applicants in respective OAs.

Shri Amol Chalak, learned counsel for the applicant in O.A. No. 362/2024 is **absent**.

Shri G.V. Mohekar, learned counsel for the applicants in O.A. No. 365/2024 and Shri B.N. Magar,

=2= M.A.NO. 195/2024 IN O.A.NO. 489/2024 & Ors.

learned counsel for the applicants in O.A. Nos. 385 & 386 and Shri Vijay Dhakane, learned counsel for the applicants in 368/2024, **are absent**.

2. When the present matters are taken up for consideration, it is brought to our notice that in the similar matters filed before the Principal Bench of the Tribunal at Mumbai some order is passed and experts' report is submitted before the Principal Bench. Next date in the matters before the Principal Bench is 30-08-2024. We, therefore, deem it appropriate to keep the present matters in the first week of September, 2024.

3. S.O. to 03.09.2024. Interim relief granted earlier, if any, shall remain in force till next date.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.762/2024
(Rahul S. Mahamune Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 03-09-2024.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.754/2022
(Akash Kumar Chougule Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 09-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 19.08.2024

VICE CHAIRMAN

O.A. 1157/2022 with MA 245/23 & MA 138/2023
(Smita M. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities for some time.

2. The submissions of learned counsel for the applicant are twofold. Firstly, according to learned counsel for the applicant, so far as order dated 14.12.2022 is concerned, in terms of clause No. 5 of the said order the main reason for transfer of the applicant on administrative exigency is that the applicant was found surplus. Learned counsel submits that in para No. 9.D of the O.A., the applicant has specifically pleaded that the Government in terms of Exhibit A-8 ought to have applied the faculty student ratio of 1:15 and based upon the same, the availability of the post ought to have been worked out. Learned counsel has pointed out that apparently the faculty student ratio is applied 1:20 and if the ratio of 1:15 would have been

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applied, the post held by the applicant could not be declared as surplus. Secondly, learned counsel submits that in terms of G.R. dated 10.09.2001, certain procedure is prescribed for declaring a particular employee as surplus employee. In terms of clause 2(B) of Annexure-3 of the said G.R., the process of declaration of adequate surplus employees is necessary to be initiated from the person, who is junior at most. Learned counsel has pointed out the seniority list Annexure A-6 of O.A. Even though Smt. Shilpa Satishkumar Laddha, Smt. Sangita Balkrushna Nemade and Smt. Kalpana Ramesh Sarode are junior to the applicant, however out of them, Smt. Shilpa Satishkumar Laddha and Smt. Sangita Balkrushna Nemade were not declared as surplus employees.

3. It further appears that the applicant has carried out amendment in the Original Application under the permission of this Tribunal by filing M.A. No. 20/2023, which is allowed by order dated 09.02.2023. Though learned Presenting Officer has sought adjournment for several times for filing additional affidavit in reply, however finally made a

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statement, which is recorded in the order dated 01.08.2024 that as per the instructions the respondents are not interested in filing the additional affidavit in reply.

4. It appears that the aforesaid twofold submissions raised by learned counsel for the applicant are going to the root of the matter and unless and until the same are countered or admitted by the other sides, the present Original Application cannot be disposed of.

5. Prima-facie, I find much substance in the submissions made on behalf of the applicant by learned counsel that the ratio 1:15 is applicable for the respondent No. 3 Government Engineering College having the Autonomy status, then in no manner the applicant can be held to be a surplus employee. If the same is considered, then the impugned order of transfer so based upon the said ground is liable to be quashed and set aside.

6. In view of above,

Admit.

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7. Interim relief granted earlier is made absolute till final disposal of the Original Application.

8. Learned Presenting Officer waives notice on admission for and on behalf of all the respondents.

9. S.O. to 04.10.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 19.08.2024

ORIGINAL APPLICATION NO. 473 OF 2023
(Pragati Ramchandra Chondekar Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

Shri A.S. Shelke, learned counsel for respondent No. 3 (**Absent**).

2. In compliance with the order dated 15.07.2024, learned Presenting Officer has placed before this Tribunal a copy of communication dated 19.08.2024. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that the respondent No. 1 in para No. 5 has specifically contended that in the Annual General Transfers of the year 2025, if the applicant submits an application or representation, the same will be considered on its own merits in terms of the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, so also, with the approval of competent authority.

//2//

O.A. No. 473/2023

3. So far as the present Original Application is concerned, challenge is to the order dated 16.06.2023 and by order dated 19.06.2023 this Tribunal has directed to maintain status quo as on today. In consequence thereof, respondent No. 3 i.e. Shri R.K. Mendake didn't join at Aurangabad (Chh. Sambhajinagar) and instead given posting at Jalna. However, thereafter on 15.02.2024 the applicant came to be transferred to Nanded in terms of directives issued by the Election Commission of India. The applicant was staying at Aurangabad along with family members and her son is also studying in 10th Std.

4. In the order dated 15.07.2024, this Tribunal has observed that in connection with the directives issued by the Election Commission of India, the applicant has joined the place of transfer at Nanded and purpose of transfer of the applicant in terms of the directives issued by the Election Commission of India is now over. In para No. 5 of the said order, it is also observed that the family members of applicant are residing at Aurangabad and within a couple of weeks, the applicant came to be

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O.A. No. 473/2023

transferred from Aurangabad to Nanded mid-term and mid-tenure in terms of the directives issued by the Election Commission of India.

5. Learned counsel for the applicant submits that even though in the said communication dated 19.08.2024 placed on record today by learned Presenting Officer, there is no commitment to retransfer the applicant to the place where she serving prior to impugned transfer order.

6. On perusal of the said communication dated 19.08.2024, it appears that the respondent authorities have given sort of commitment to consider the grounds raised by the applicant for her transfer to Aurangabad (Chh. Sambhajinagar) by considering the vacancy at the relevant time and the approval of the competent authority in the Annual General Transfers of the year 2025.

7. In view of the same, the present Original Application can be disposed of with the direction to the respondents to consider the application / representation submitted by the applicant in the Annual General Transfers of the year 2025 for

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O.A. No. 473/2023

transferring her to Chh. Sambhajinagar on the grounds as noted above. The respondent authorities shall consider the same and pass the appropriate order on its own merits. In case of any adverse order passed against the applicant, the applicant would be at liberty to approach this Tribunal. Order accordingly.

8. The Original Application is disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 19.08.2024

ORIGINAL APPLICATION NO. 664 OF 2024
(Revannath R. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 09.09.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 568 OF 2020
(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that during pendency of the present Original Application, which was filed in the year 2020, the respondent authorities have filed their affidavit in reply in the year 2022 and submitted along with the said affidavit in reply a copy of order dated 24.05.2022. Learned counsel submits that though the said order is respect of some different enquiry conducted by the department against the applicant and some other employees jointly, however, it is stated in the said order that except for the period of retirement, the said period of suspension is not considered and it is not considered as a period spent on duty. Learned counsel submits that inadvertently the said order dated 24.05.2022 remained to be challenged in the present Original Application. Learned counsel thus seeks time to file Misc. Application seeking amendment. Time granted.

3. S.O. to 18.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 682 OF 2022
(Bhimrao N. Doiphode Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel holding for Shri S.R. Shirsath, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. I have heard learned counsel for the applicant for some time.

3. So far as order dated 13.05.2016, which the applicant has filed along with his rejoinder affidavit, is concerned, the applicant has not specifically demonstrated in the rejoinder affidavit the pay scale 4500-125-7000 as admissible to the applicant.

4. Learned counsel for the applicant thus seeks time to file additional affidavit of the applicant to make it clear. Time granted.

5. S.O. to 28.08.2024 for hearing.

MEMBER (J)

O.A. No. 799/2022 with O.A. No. 800/2022
(Suresh B. Jadhav & Dilip B. Bhalekar Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in both the O.As. and S/shri D.M. Hange & A.P. Basarkar, learned Presenting Officers for the respondent authorities in respective O.As., are present.

2. By consent, S.O. to 03.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.08.2024

O.A. No. 414/2023 with M.A. No. 360/2023
(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 05.09.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 19.08.2024

ORIGINAL APPLICATION NO. 290 OF 2024
(Asha B. Garud Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri S.S. Thombre, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. In terms of interim order dated 13.03.2024, the Original Application is disposed of. Reasons to follow.

MEMBER (J)

ORIGINAL APPLICATION NO. 332 OF 2024
(Somnath B. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri Sameer Kurundkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.08.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 340 OF 2024
(Kailas B. Khade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 23.08.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 596 OF 2024
(Abdul M. Saudagar Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.S. Bayas, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 20.08.2024 for hearing.
Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 832 OF 2024
(Sarika S. Patil @ Sarika B. Ahire Vs. State of Maharashtra
& Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri R.A. Shinde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that so far as the village Savarkhede, Tal. Parola, Dist. Jalgaon is concerned, the post of Police Patil is reserved for NT (B) Women category. Learned counsel for the applicant further submits that the applicant belongs to VJ (A) category. In terms of G.R dated 16.10.2008 as per clause No. F(2), the reservation for the post of Police Patil for the candidates belonging to VJ (A) and NT(B) are interchangeable. However, the respondent i.e. Sub-Divisional Magistrate has declared the applicant as disqualified and excluded her name from the select list dated 01.09.2023 (Annexure 'A-10').

3. In view of above, issue notice to respondents, returnable on 12.09.2024.

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O.A. 832/2024

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

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

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

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

8. S.O. to 12.09.2024.

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

MEMBER (J)

**M.A.NO. 329/2024 IN M.A.NO. 529/2023 IN
O.A.NO. 1112/2022 WITH Caveat No. 40/2022
(The State of Maharashtra & Ors. Vs. Mohammad Raza
Khan)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.P. Basarkar, learned Presenting Officer for the applicants in M.A.No. 329 of 2024 / original respondents, Shri A.S. Deshmukh, learned counsel for the applicant in M.A. 529/2023 & O.A. 1112/2022/ respondent in M.A. 329 of 2024 and Shri M.B. Bharaswadkar, learned counsel for respondent No.3 in O.A.No. 1112/2022, are present.

2. The State has filed the Misc. Application No. 329/2024 for vacating the interim relief granted on 16.12.2022.

3. Learned counsel for the original applicant submits that the applicant has already filed the Misc. Application 529/2023 to seek leave for amendment. Learned counsel also submits that the said M.A. may also be treated as say to the M.A.No. 329/2024 filed by the State for vacating the interim relief.

4. The copy of same is already received by the learned P.O. The learned P.O. has no objection for the same.

5. S.O. to 21.08.2024 for hearing in **urgent admission category**.

MEMBER (J)

**ORIGINAL APPLICATION NO. 921 OF 2016
(Sanjay T. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. In compliance with the order dated 21.06.2024, learned P.O. submits the short affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to other side today itself.

4. Learned counsel for the applicant seeks time to go through the same and file rejoinder, if necessary. Time granted.

5. S.O. to 26.08.2024 for filing rejoinder, if any and for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 27.08.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 395 OF 2021
(Bhau N. Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri Ajit M. Gholap, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 27.08.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 732 OF 2021
(Dashrath D. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present Original Application is hereby allowed for the reasons to follow.

MEMBER (J)

SAS ORAL ORDER 19.08.2024

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 : 19.08.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. Learned P.O. seeks short adjournment to comply with the directives issued in the order dated 05.08.2024.

4. In addition to the same, the learned P.O. is also directed to submit the G.R. dated 27.06.2008 which appears to be the basis of passing of the impugned order.

5. S.O. to 27.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 656 OF 2018
(Dr. Sunil D. Dhumal Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file application for amendment as requested earlier. Time granted.
3. S.O. to 27.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 610 OF 2022
(Bhanudas A. Kalhapure & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 88 OF 2023
(Dr. Sachin V. Nawale Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent Nos. 1 to 4. Leave granted. The reply is accepted and copy thereof is given to other side.

3. Learned counsel for the applicant seeks time to go through the same and file rejoinder, if necessary. Time granted.

4. S.O. to 12.09.2024 for filing rejoinder, if any and for hearing.

5. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 492 OF 2023
(Dr. Jagannath G. Kundkar Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.08.2024 for hearing.

3. The interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 840 OF 2023
(Sandip J. Shirsath Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri U.S. Mote, learned counsel holding for Shri Bharat R. Waramaa, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

Shri A.K. Tiwari, learned counsel for respondent No.4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 26.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 19.08.2024

ORIGINAL APPLICATION NO. 162 OF 2018
(Baliram B. Patil Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 163 OF 2018
(Baliram B. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicants in both the O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As., are present.

Smt. Sunita D. Shelke, learned counsel for respondent Nos. 3 & 4 in both the O.As., is **absent**.

2. In view of absence of learned counsel for respondent Nos. 3 & 4 in both the O.As., S.O. to 27.09.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 946 OF 2018
(Kailas D. Patil Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 139 OF 2019
(Madhukar R. Dusane Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicants in both the O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the O.As., are present.

Smt. Sunita D. Shelke, learned counsel for respondent No. 3 in O.A.No. 946/2018 and for respondent Nos. 2 & 3 in O.A.No. 139/2019, is **absent**.

2. In view of absence of learned counsel for respondent No. 3 in O.A.No. 946/2018 and for respondent Nos. 2 & 3 in O.A.No. 139/2019, S.O. to 27.09.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 238 OF 2022
(Rajabai R. Kawadikar Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks leave to file the affidavit in reply on behalf of respondent Nos. 1 to 3. Leave granted. The reply is taken on record and copy thereof is given to learned counsel appearing for the applicant today itself.

3. Learned counsel for the applicant seeks time to go through the same and file rejoinder, if necessary. Time granted.

4. S.O. to 27.08.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 681 OF 2023
(Dr. Prashant R. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

Shri R.T. Deshmukh, learned counsel for respondent No.4, is **absent**.

2. Even though the last chance is granted, no reply has been filed on behalf of respondent Nos. 1 to 3.

3. In view of same, list the matter for admission hearing on 30.08.2024 with liberty to other side to file reply, if any, till then.

4. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 682 OF 2023
(Dr. Suresh G. Ghule Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Deepak K. Rajput, learned counsel for respondent No.4, are present.

2. Even though the last chance is granted, no reply has been filed on behalf of respondent Nos. 1 to 3.

3. In view of same, list the matter for admission hearing on 30.08.2024 with liberty to other side to file reply, if any, till then.

4. The interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 748 OF 2023
(Shrikant B. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 02.09.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 19.08.2024

**ORIGINAL APPLICATION NO. 254 OF 2024
(Krishna B. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.D. Gawale, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 10.09.2024.

MEMBER (J)

SAS ORAL ORDER 19.08.2024

O.A.NOS. 519 TO 526 ALL OF 2024
(Shivaji P. Khetmalas & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri D.R. Irale Patil, learned counsel for the applicants in all these O.As., S/Shri D.M. Hange, A.P. Basarkar, Smt. R.S. Deshmukh, learned Presenting Officers for the respondent authorities in respective O.As. and Shri D.T. Devane, learned counsel for respondent Nos. 3 & 4 in O.A.No. 525/2024, are present.

Shri Rahul A. Tambe, learned counsel for respondent No.4, in O.A.No. 520/2024, is **absent**.

2. At the request made on behalf of respondents, time granted for filing affidavit in reply in all these O.As.

3. S.O. to 09.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 546 OF 2024
(Sujata R. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri D.R. Jayabhar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 09.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 561 OF 2024
(Mohammad Akhtar Jainad Shaikh Vs. State of
Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No.1. The same is taken on record and copy thereof is given to other side.
3. Learned P.O. submits that the other respondents are going to adopt the same.
4. Learned counsel for the applicant submits that the applicant is not willing to file rejoinder.
5. In view of same, list the matter for admission hearing on 27.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 672 OF 2019
(Mahesh D. Tipale Vs. State of Maharashtra & Ors.)**

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

DATE : 19.08.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. On the last occasion, the absence of applicant and his counsel was marked.
3. None present for the applicant even today.
4. In view of same, S.O. to 11.10.2024 for passing of the order.

MEMBER (J)

Special Board of ensuing Lok Adalat

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

DATE : 19.08.2024

ORAL ORDER :

The special board is published today about the list of the referred cases to be placed before Lok Adalat and the appropriate cases to be taken cognizance of by the **Lok Adalat**.

2. It appears that in only 30 matters the advocates concerned have given their consents in writing. However, in other matters the consents are yet not given.

3. The counsel appearing for the respective applicants in all these O.As. are requested to submit the consent form under their signature during the course of day.

4. S.O. to 20.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 828 OF 2024
(Dr. Arun D. Jarhad Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant has sent pursis for withdrawing the present Original Application pending before this Tribunal. Learned counsel for the applicant submits the copy of said pursis dated 13.08.2024. The same is taken on record and marked 'X' for identification.

3. Learned counsel for the applicant thus on instructions seeks leave to withdraw this Original Application. Leave granted.

4. The Original Application is disposed of as withdrawn. No costs.

MEMBER (J)

M.A.NO.409/2023 IN O.A.NO.551/2022
M.A.NO.410/2023 IN O.A.NO.552/2022
M.A.NO.411/2023 IN O.A.NO.554/2022
M.A.NO.412/2023 IN O.A.NO.555/2022
M.A.NO.413/2023 IN O.A.NO.556/2022
M.A.NO.414/2023 IN O.A.NO.557/2022
M.A.NO.415/2023 IN O.A.NO.559/2022
M.A.NO.416/2023 IN O.A.NO.561/2022
M.A.NO.417/2023 IN O.A.NO.562/2022
M.A.NO.418/2023 IN O.A.NO.563/2022
M.A.NO.419/2023 IN O.A.NO.564/2022
M.A.NO.420/2023 IN O.A.NO.565/2022
M.A.NO.421/2023 IN O.A.NO.566/2022
M.A.NO.446/2023 IN O.A.NO.550/2022
M.A.NO.447/2023 IN O.A.NO.553/2022
M.A.NO.448/2023 IN O.A.NO.560/2022
M.A.NO.449/2023 IN O.A.NO. 558/2022
M.A.NO. 486/2023 IN O.A.NO. 44/2021
Original Application No. 25 OF 2024

(State of Maharashtra & Ors. V/s. Raghoji Bele & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri A.P. Basarkar, learned Presenting Officer for the applicants in M.A. (original respondents), Shri R.L. Chintalwar, learned counsel for the respondents (Original Applicants) in M.A.No. 409/2023 to M.A.No. 417 of 2023, M.A. 446/2023, M.A. 422/2023, M.A. 446/2023, M.A. 447/2023, M.A. 448/2023, M.A. 449/2023, M.A. 486/2023 & O.A.25/2024 and Shri P.M. Shinde, learned counsel for the respondents (Original Applicants) in M.A.Nos. 418/2023 to M.A. 421/2023, are present.

2. Learned P.O. submits that during course of the day, the affidavit in reply will be filed in the O.As.

3. List the matters for filing affidavit in rejoinder, if any, on 20.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 59 OF 2024
(Dr. Satish G. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Shri S.R. Kedar, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. Learned P.O. submits affidavit in reply on behalf of respondent No.3 along with spare copy for the other side. The same is taken on record.
4. Learned P.O. seeks time to file reply on behalf of other respondents. Time granted.
5. S.O. to 19.09.2024.

MEMBER (J)

M.A.NO. 231/2024 IN O.A.NO. 313/2021
(Pandurang M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri P.B. Rakhunde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Not on board. Taken on board.
3. Learned counsel for the applicant seeks extension of time to deposit the amount of costs. Extension is granted for the period of one week.
4. S.O. to 26.08.2024.

MEMBER (J)

SAS ORAL ORDER 19.08.2024

ORIGINAL APPLICATION NO. 575 OF 2020
(Kondabai R. Ghadge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.08.2024

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that though the applicants are challenging the order dated 04.11.2020 (Annexure 'A-1') passed by respondent No.3 thereby denying the claim of the applicants for regularization of the services, however, the applicants have submitted one application in the Month of May 2019 for getting information from the respondent No.3 as to whether the re-proposal in this regard has been submitted by the respondent Nos. 3 and 4 to respondent No.1 and also requested to supply the information about the work completed by the respective applicants continuously from the year 1992. Learned counsel for the applicant submits that the said period differs from applicant to applicant. However, the annexure 'A-20' is an application seeking information under

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O.A. 575/2020

Right to Information Act submitted by applicant No.1 namely Smt. Kondabai Rambhau Ghadge in the month of May, 2019 and the said period of 1992 is to the extent of the work done by her. Learned counsel for the applicants submits that so far as the information received in this regard is concerned, it is stated that the re-proposal is going to be submitted and the office of respondent Nos.3 and 4 are working on that.

3. Learned counsel for the applicants submits that the main prayer of the applicants in this Original Application is to direct the respondent Nos. 3 and 4 to prepare and forward the proposal by calculating the services rendered by each of the applicant from the date of their initial appointments with respondent No.3 till filing of the Original Application to the respondent No.1 for regularization of their services.

4. Learned counsel for the applicants submits that the respondent Nos. 1 to 4 have not disputed the aforesaid fact that the office of respondent Nos. 3 and 4 are working on the proposal for re-submission. Learned counsel for the applicants

submits that it is matter of record that the said proposal is yet not submitted to respondent No.1.

5. Learned counsel for the applicants submits that the purpose of filing of this Original Application is going to be fulfilled to certain extent if directions are given to respondent Nos. 3 and 4 to prepare and forward the proposal by calculating the services of the applicants from the date of their initial appointments to respondent No.1 for regularization of their respective services in a time bound manner.

6. Learned Presenting Officer for the respondents submits that liberty may be given to respondent No.1 to decide the said proposal if submitted by respondent Nos. 3 and 4 on its own merits.

7. In view of above, this Original Application can be disposed of by giving directions to the respondent Nos. 3 and 4 to submit the re-proposal about the services rendered by each and every applicant to respondent No.1 for regularization of the services in time bound manner. Hence, the following order:-

ORDER

- (A) The Original Application is hereby partly allowed.

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O.A. 575/2020

- (B) The respondent Nos. 3 and 4 are hereby directed to prepare and forward the proposal by calculating the services of the respective applicants from the date of their initial appointments with respondent Nos. 3 and 4 till today to respondent No.1 as expeditiously as possible preferably within the period of four months from the date of this order and upon receipt of the said proposal the respondent No.1 may decide the same on its own merits as expeditiously as possible.
- (C) In case of any adverse order is passed against the applicants, the applicants are at liberty to approach this Tribunal again.
- (D) In the circumstances, there shall be no order as to costs.
- (E) The Original Application is accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION NO. 864 OF 2023
(Amarsingh Rajabalisingh Hazari Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 19.08.2024-HDD

M.A.NO.239/2023 IN M.A.NO.359/2022 IN
O.A.NO.729/2022
(Dnyaneshwar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)
WITH
M.A.NO.257/2023 IN M.A.NO.563/2022 IN
O.A.NO.730/2022
(Gajanan P. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicants in M.A.239/23, O.A.729/22, M.A.257/23 & O.A.730/22, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, Shri R.A. Joshi, learned Counsel for intervenors and Shri Amol B. Chalak, learned Counsel for intervenors in M.A.359/2022, are present.

2. S.O. to 10.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 19.08.2024-HDD

ORIGINAL APPLICATION NO. 842 OF 2024
(Anand Babanrao Rupnar & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicants, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 9 & 12 and Shri Ajay S. Deshpande, learned counsel for respondent Nos. 7 & 8.

2. When the present matter is taken up for consideration, learned counsel appearing for the applicants seeks leave of this Tribunal to delete the portion in the prayer clause 'B' insofar as it relates to quashment of G.R. dated 30.11.2022. Leave granted as prayed for. The necessary amendment be carried out forthwith.

3. S.O. to 20.08.2024. **First on board.**

MEMBER (A)

VICE CHAIRMAN

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

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri D.R. Irale Patil, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

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

2. S.O. to 03.09.2024. **Part heard.**

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 626 OF 2019
(Sheshrao Rambhau Giri Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 641 OF 2019
(Vinod Shivraj Wadekar & Ors. Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 642 OF 2019
(Nandkishor Balasaheb Pathak Vs. The State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 19.08.2024

ORAL ORDER :

Heard Ms. Monica Pagare, learned counsel holding for Shri S.K. Mathpati, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities in all these matters.

2. When the present matters are taken up for consideration today, learned counsel appearing for the applicants submitted that the issue raised in the present matters is no more res-integra and earlier same orders are passed by this Tribunal as well as at the Principal Seat of this Tribunal at Mumbai and also at Nagpur Bench. Learned counsel submitted that the present matters can be disposed of by keeping them before the Lok Adalat. She, therefore, made a request keeping the present matters for amicable settlement before the Lok Adalat. Learned Presenting Officer does not have any

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objection for placing the matter before the Lok Adalat.
Hence, the following order is passed: -

ORDER

(i) These matters be placed before the Lok Adalat
scheduled on 28.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 19.08.2024-HDD

ORIGINAL APPLICATION NO. 818 OF 2021
(Dr. Ashwini Ashokrao Patil Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri S.G. Kulkarni, learned counsel for respondent No. 8, **are present.**

Shri Ajit Kadethankar, learned counsel for respondent No. 6, Shri Akshay H. Joshi, learned counsel for respondent No. 7, Shri Amol Jagtap, learned counsel for respondent No. 9, (**absent**).

2. S.O. to 10.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 19.08.2024-HDD

ORIGINAL APPLICATION NO. 16 OF 2022
(Vaidya Piyush Gandhi & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 19.08.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri M.R. Kulkarni, learned counsel for respondent Nos. 4 to 7, are present.

2. S.O. to 20.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 19.08.2024-HDD