

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

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

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

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 19/03/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks
Urgent Admission Matters					
1	MA193/23 In MA44/23 In OAS61/23	Nanded	Adv.V R Nawathe (Ramesh V Mathpati & Ors.)	M.A.193/23 For Sue Jointly M.A.44/23 For Condonation of Delay	
2	TA18/24 WP1705/24	A'bad	Adv.Vishal A Bagal Patil (Datta J Kadam & Ors.)	Challenging Notification	
3	MA114/24 In OAS226/24	Beed	Adv.M R Kulkarni (Dr. Arshad Ahmed Rajmohammad Shaikh)	M.A. For Condonation of Delay	
4	OA317/24	Chh.S' Nagar	Adv.R J Nirmal (Sharda P Kachave)	Selection Process	
5	OAS479/24	J'gaon	Adv.A S Deshmukh (Jitendra Z Kanhaiye)	Appointment	With Office Objection
6	OA500/19	Nanded	Adv.Yogesh P Deshmukh (Saburi C Donglikar) <u>Adv.V B Wagh for R.No.5</u> <u>Adv.S S Thombre for R.No.6</u>	Selection Process	Circulation Taken by Adv. V B Wagh For R.No.5 Reply Filed by R-2, R-4 to R- 6
7	OA1049/23	A'bad	Adv.S S Dambe (Shivaji R Kachare & Ors.)	Promotion	<u>Part Heard</u> For Hearing

Order Matters						
8	MA561/19 In OAS2250/19	A'bad	Adv Ajay S Deshpande (Ratish R Manurkar)	M.A For Condonation of Delay	For Hearing Reply Filed by R-1 to R-3	
9	MA609/19 In OAS2372/19	A'bad	Adv.K B Jadhav (Radhabai K Kedare)	M.A. For Condoantion of Delay	For Hearing Reply Filed by R-1 to R-3	
10	MA146/20 with MASt418/20 In OAS419/20 with	Nanded	Adv.Gaurav L Deshpande (Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari Sanghatana through its President Ramesh N Shinde)	M.A.146/20 for File O.A. in Representative Capacity on Behalf on Sanghatana M.A.ST418/20 For Condonation of Delay	For Hearing	
11	MA55/21 In OAS363/20	Nanded	Adv.Gaurav L Deshpande (Dnyanba N Dhapse & Ors.)	M.A. For Condoantion of Delay	For Hearing Reply Filed by R-1, R-3 to R- 5	
12	MA324/21 In OAS947/21	Latur	Adv.Shamsunder B Patil (Dr. Sudam H Mogle)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	
13	MA544/22 In OA762/18	O'bad	Adv.V V Deshmukh in MA544/22 (Maharashtra Rajya Bazar Samiti Karmachari Seva Nivrutti Vetan Yojna, Pune Through its CEO, Balasaheb G Katore) Adv.S D Joshiin OA762/18 (Sahebrao D Deshmukh & Ors.)	M.A. For Adding Party Respondents Challenging G.R.	Affidavit in reply Filed by Petitioners in MA544/22 Reply Filed by R-1 to R-3 in OA762/18	
14	MA125/23 In OA814/18	Beed	Adv.R K Jadhavar (Chandrasen V Gaisamudre)	M.A. for Amendment		

15	MA387/23 In OA378/21	A'bad	Adv.Gaurav L Deshpande (Raju H Sayyed)	M.A. For Direction		
16	MA563/23 In OA526/23	O'bad	Adv.R P Bhumkar In MA563/23 (Angad R Shinde) <u>Adv.Uddhav L Momale in</u> <u>OA526/23</u> (Govind B Bhokare)	MA563/23 For Intervention OA526/23 Seniority List	Reply Filed by R-1 In OA526/23	
17	MA24/24 In OA390/22	Nanded	Adv.Rahul R Karpe (Rajdeepsingh G Sardar)	M.A. For Amendment		
18	MA56/24 In OA64/24 With Caveat 43/23 to 70/23	A'bad	Adv.Neha B Kamble (Kajal Sahebrao Moon & Ors.) <u>Adv. Kalvan V</u> <u>Patil/Adv.R R Awhad for</u> <u>Caveators i.e. Caveat</u> <u>No.43/23 to 70/23</u> (Nikhil V Patil & Ors.)	M.A.56/24 For Direction OA64/24 For Selection Process	For Hearing Reply Filed by R-2 In OA64/24 Amendment Not Carried Out As Per Order dtd.01.03.2024 Added As Applicants in the OA Not Added	
19	MA87/24 In OA145/24 With Caveat 43/23 to 70/23	Chh. S'Nagar	Adv. Ajay S Deshpande In MA 87/24 In OA145/24 (Ramesh V Hadbe & Ors.) <u>Adv.Sangharsh V</u> <u>WaghmareFor Respective</u> <u>Respondents</u> (Sushant M Patil & Ors.) <u>Adv.R R Awhad/Adv.K V</u> <u>Patil for Caveator</u> <u>i.e.Caveat No.43/23 to</u> <u>70/23</u> (Nikhil V Patil) <u>Adv.Avinash S Deshmukh</u> <u>For R.Nos. 3 to 6 in</u> <u>OA145/24</u>	M.A.87/24 For Direction OA145/24 For Selection Process	Reply Filed by R-3 to R-6 In OA145/24	
20	MA98/24 In OA958/23	Beed	Adv.K B Jadhav (Afroj Tamurkhan Pathan)	M.A. For Amendment		

Due Admission Matters						
21	CP16/20 In OA886/18 With	Nanded	Adv.G N Kulkarni (Baliram D Waghmare)	Contempt Petition	For Hearing	
22	CP17/20 In OA883/18	Nanded	Adv.G N Kulkarni (Sawairam D Rathod)	Contempt Petition	For Hearing	
23	CP34/22 In OA78/21	A'nagar	Adv Kakasaheb B Jadhav (Shubhangi Y Pawale) <u>Adv Anuradha S Mantri</u> <u>For R.No.2</u>	Contempt Petition	Reply Filed By R-1 & R-2	
24	CP36/22 In OA53/20	A'bad	Adv.H S Bali (Kailas K Sasane)	Contempt Petition	For Admission	
25	OA97/19	A'nagar	Adv.Y B Pathan (Mirkhan Iliyaskhan Pathan)	Major Punishment	For Hearing Reply Filed by R-4	
26	OA768/19	Nanded	Adv.Avinash S Deshmukh (Balasaheb T Deshmukh)	Departmental Enquiry	For Hearing Reply Filed by R-1 & R-2	
27	OA113/20	Dhule	Adv.Ashish B Rajkar (Graduate Part Time Employees Association, Dhule through its President Sanjay N Brahmane(Tembhekar)	Appointment	For Admission Reply Filed by R-1 to R-3	
28	OA140/20	A'bad	Adv.H A Joshi (Shrikant K Bhale)	Change In Designation	For Hearing Reply Filed by R-1 & R-2	
29	OA430/20	Jalna A'bad	Adv.A S Deshmukh (Ashok D Talde & Ors) <u>Adv.R O Awasarmol/</u> <u>Adv.V D Pagare for</u> <u>R.Nos.13,14,19,21,24,28,</u> <u>42,61</u> <u>Adv.D S Pagare for</u> <u>R.Nos.26,30,32,37,56,59</u>	Deem Date/ Seniority/ Promotion	For Hearing Reply Filed by R-1, R-2, R-4, R-13, R-14, R-19, R- 21, R-24, R-26, R- 28, R-30, R-32, R- 37, R-42, R-56, R- 59, R-61	

30	OA590/20	J'gaon	Adv.Suhas R Shirsat (Ankush B Patil)	Appointment	For Hearing Reply Filed by R-2 & R-3	
31	OA29/21	Beed	Adv.Santosh S Dambe (Vijay N Khawane)	Appointment/ Transfer	For Hearing Reply Filed by R-2 to R-4	
32	OA600/21	Nanded	Adv.K B Jadhav (Subhash G Dhutur)	Promotion	For Hearing Reply Filed by R-1 to R-6	
33	OA623/21	P'bhani	Adv.Preeti R Wankhade (Mehboobali Y Khan Pathan)	Promotion	For Hearing Reply Filed by R-2 to R-3	
34	OA181/22	Nanded	Adv.V B Wagh (Sahebrao B Chavhan)	Appointment	For Hearing Reply filed by R-3	
35	OA209/22	Latur	Adv.C V Dharurkar (Renuka V Saudagar & Ors.)	Recruitment	For Hearing	
36	OA290/22	Jalna	Adv.S N Lute (Aasif Kalekhan Parsuwale) <u>Adv.R N Gore For R.No.4</u>	Appointment	For Hearing Reply Filed by R-1 to R-3	
37	OA367/22	P'bhani	Adv.R A Joshi (Ikramoddin Khiyamoddin Khatib)	Appointment	For Hearing Reply Filed by R-2 & R-3	
38	OA824/22	Nanded	Adv.S S Thombre/ Adv.A V Thombre (Pravin S Jadhav & Ors.)	Seniority List	For Hearing Reply Filed by R-1 to R-4	
39	OA876/22	N'bar	Adv.A D Sugdare (Dr.Pravinkumar Y Thakare)	Advertisement	For Hearing Reply Filed by R-2 & R-3	
40	TA13/23 WP10387/22	A'nagar	Adv.Yuvraj S Choudhari/ Adv.Jiwan J Patil (Digambar B Mule)	Advertisement	For Hearing	

41	OA65/23	Jalna	Adv.Sanjeev B Deshpande (Suresh M Kadam alias Suresh B Sharma) <u>Adv.Jiwan J Patil for R.No.3</u>	Dismissal	For Hearing Short Affidavit of Reply Filed by R-1 & R-2 Await Service For For R-1	
42	OA98/23	Latur	Adv.J J Patil (Pandit N Jadhav)	Seniority List	For Hearing	
43	OA186/23	A'bad	Adv.A D Sugdare (Anand I Dhale)	Termination	For Hearing Reply Filed by R-1 to R-4	
44	OA474/23	N'bar	Adv.V B Wagh (Vaishali V Hinge)	Promotion	For Hearing Reply Filed by R-1	
45	OA612/23	P'bhani	Adv. K B Jadhav (Mohammad Hafiz UR Ibadur Raheman)	Qualifying Service/ T.B.P./ A.C.P.S. Benefits	For Hearing Reply Filed by R-1 to R-4	
46	OA707/23	Nanded	Adv.Ganesh R Jadhav/ Adv.Mahesh K Bhosale (Shaikh Suleman Shaikh Haji Shaikh)	Selection Process	For Hearing Reply Filed by R-2	
47	OA63/24	A'bad	Adv. K G Salunke (Balbir Singh Jagannath Prasad Tyagi)	Major Punishment	For Hearing Reply Filed by R-2 & R-4	
Final Hearing Matters						
48	OA233/16	A'bad	Adv.S K Mathpati (Pankaj W Pangul)	Seniority/ Promotion	Reply Filed by R-2 & R-3	
49	OA355/16	Nanded	Adv.V D Gunale (Shaikh Jamil Fakir Saheb) <u>Adv.N S Kadam for R.Nos.3 & 4</u>	Termination	Reply Filed by R-1 to R-4	
50	OA12/18	O'bad	Adv.P R Kadam/ Adv.M P Tripathi (Khandu T Chavan)	Appointment	Reply Filed by R-2	
51	OA212/18 With	Jalna	Adv.Preeti R Wankhade (Ashok G Labde)	Promotion	Reply Filed by R-2	

52	OA214/18 With	Jalna	Adv.Preeti R Wankhade (Eknath L Bhojne)	Promotion	Reply Filed by R-2	
53	OA215/18	Jalna	Adv.Preeti R Wankhade (Vishnu U Puri)	Promotion	Reply Filed by R-2	
54	OA399/18	A'bad	Adv.Santosh S Dambe (Kantilal K Golwal)	Termination	Reply filed by R-1 to R-3	
55	OA800/19	A'nagar	Adv.Sandip R Andhale (Maheshkumar P Sathe)	Appointment	Reply Filed by R-1	

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

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

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

And

THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -19/03/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP25/23 In OA205/21	A'nagar	Adv S D Joshi (Ramesh Y Gunjal)	Contempt Petition	For Filing Affidavit in Reply	
2	CP66/23 In OA502/22	Nanded	Adv Girish Kulkarni (Mohammad Siddique Mohammad Sarwar)	Contempt Petition	For Filing Affidavit in Reply	
3	CP72/23 In OA580/22	Latur	Adv Kiran G Salunke (Ramhari G Sontakke)	Contempt Petition	For Filing Affidavit in	

					Reply	
4	CP08/24 In OA216/22	A'nagar	Adv S P Chatae / Adv P B Jadhav (Namdev R Kute)	Contempt Petition	Await Service	
5	OA578/20	Latur	Adv R.N.Bharashwadkar (Sachin S.Lokare)	Termination	Await Service	
6	OA230/21	J'gaon	Adv.Ajay S Deshpande (Vaidya Smt. Meenal P Thosar)	Seniority	For Filing Affidavit in Rejoinder	

7	OA554/21	A'bad	Adv R B Ade (Harshal N Yevle)	Termination	Reply Filed By R-1 to R-4 As a last chance For Filing Affidavit in Rejoinder	
8	OA78/22	Jalna	Adv A D Gadekar (Vaishali B Tote)	Seniority/ Promotion	As a Last Chance For Filing Affidavit in Rejoinder Ref Order Dtd. 23.06.2023	
9	OA191/22	Hingoli	Adv.Vinod M Vibhute (Balu R Nagare)	Seniority List	Await Service of Notice	
10	OA441/22	Beed	Adv P S.Anerao (Gajanan A.Taralkar)	Promotion	Reply Filed By R-1 to R-3 & As a Last Chance For Filing Affidavit in Rejoinder Ref Order Dtd. 07.06.2023	
11	OA472/22	Latur	Adv A B Rajkar (Pandhari G Devarshe)	Examination Eligibility	For Filing Affidavit in Rejoinder	
12	OA430/22	A'bad	Adv R O Awasarmol (Swanand B Thorve & Ors.)	Selection/ Appointment	Await Service & Reply Filed By R-1 &	

					For Filing Affidavit in Reply	
13	OA560/23	Nanded Etc.	Adv Pooja S Mundhe (Namdev J Karad & Ors.)	Selection Process	For Filing Affidavit in Reply	

14	OA577/23	A'bad	Adv P R Wankhade (Vishal M Kamble & Ors.)	Eligibility/ Interview	For Filing Affidavit in Reply	
15	OA578/23	Latur	Adv K J Ghute Patil (Vijay G Jamadar & Ors.)	Eligibility Interview	Await Service & For Filing Affidavit in Reply	
16	OA664/22	Jalna	Adv.R.O. Awasarmol (Vinod J Sonune & Ors.)	Result/ Interview	Await Service & Reply Filed By R-1 For Filing Affidavit in Reply	
17	OA458/22	Nanded	Adv.J.S. Deshmukh (Dr.Suresh R Pawar) <u>Adv Yogita S Thorat For R-4</u>	Extention of Age Benefit	Reply Filed By R-4 & For Filing Affidavit in Reply R-1 to R-3	
18	OA515/22	Jalna	Adv J S Deshmukh (Sachin V Hingole & Ors.)	Examination	As a Last Chance For Filing Affidavit in Rejoinder <u>Ref Order Dtd. 13.06.2023</u>	
19	OA681/22	Nanded	Adv.Yogesh P Deshmukh	Dismissal	As a Last Chance For Filing Affidavit	

			(Nashaboina S Yadgiri) <u>Adv.S.B. Patil for</u> <u>R.Nos.2 & 3</u>		in Rejoinder	
20	OA873/22	A'nagar	Adv.S.B. Patil (Dr. Vidya M Shingare)	Eligibility	Await Service of Notice	

21	OA927/22	Latur	Adv.Avinash S Deshmukh (Ratan V Kajale)	Seniority/ Promotion	For Filing Affidavit in Rejoinder	
22	OA930/22	Beed	Adv.P.D. Suryawanshi (Shagir Rustum Pathan)	Termination	For Filing Affidavit in Reply R-1 to R-3, R-5 R-6	
23	OA931/22	Nanded	Adv.P.D. Suryawanshi (Jubiruddin Hamidoddin Shaikh)	Termination	For Filing Affidavit in Reply R-1 to R-3, R-5 R-6	
24	OA1056/22	A'nagar	Adv.A.M. Hajare (Anant A Kokate)	Departmental Enquiry	Reply Filed By R-1 R-2 & R-4 & For Filing Affidavit in Rejoinder	
25	OA1132/22	Beed	Adv.A.B. Kharosekar/ Adv.V.B. Wagh (Ramesh L Naik)	Departmental Enquiry	For Filing Affidavit in Rejoinder	
26	OA1133/22	Beed	Adv.A.B. Kharosekar/ Adv.V.B. Wagh (Balasaheb P Rathod)	Departmental Enquiry	For Filing Affidavit in Rejoinder	
27	OA320/23	Latur	Adv MS.AN.Ansari (Baburao H.Biradar)	Major Punishment	For Filing Affidavit in Rejoinder	

28	OA328/23	N'bar	Adv Amit S Savale (Harshal V Marathe)	Promotion	By way of Last Chance For Filing Affidavit in Reply	
29	OA434/23	Nanded	Adv.P.S. Anerao (Madhav S Salgar) Adv D A Mane For R-5	Selection Process	Await Service	
30	OA757/23	Satara	Adv U L Momale (Yashwant S Katkar & Anr.)	Seniority List	Reply Filed By R-1	
31	OA875/23	A'bad	Adv K B Jadhav (Avadhut A Sisal)	Selection Process	For Filing Affidavit in Reply	
32	OA1037/23 With	N'bar	Adv Mahesh S Deshmukh/ Adv U L Momale (Sanjay S Patil)	Seniority List	For Filing Affidavit in Reply	
33	OA1038/23 With	A'nagar	Adv M S Deshmukh/ Adv U L Momale (Sanjay D Shelke)	Seniority List	For Filing Affidavit in Reply	
34	OA1055/23 With	Raigad	Adv M S Deshmukh/ Adv U L Momale (Suresh D More)	Seniority List/ Show Cause Notice for Reversion	For Filing Affidavit in Reply	
35	OA1056/23 With	Satara	Adv M S Deshmukh/ Adv U L Momale (Rajendra S Sawant)	Seniority List/ Show Cause Notice for Reversion	For Filing Affidavit in Reply	
36	OA1057/23 With	Ratnagiri	Adv M S Deshmukh/ Adv U L Momale (Rajendra P Kulkarni)	Seniority List/ Show Cause Notice for Reversion	For Filing Affidavit in Reply	
37	OA1058/23 With	Raigad	Adv M S Deshmukh/ Adv U L Momale (Sachin Y Pagare)	Seniority List/ Show Cause Notice for Reversion	For Filing Affidavit in Reply	

38	OA1059/23 With	Kolhapur	Adv M S Deshmukh/ Adv U L Momale (Rajesh B Shinde)	Seniority List/ Show Cause Notice for Reversion	For Filing Affidavit in Reply	
39	OA1060/23 With	Mumbai	Adv M S Deshmukh Adv U L Momale (Prashant A Gaikwad)	Seniority List	Await Service R- 1 For Filing Affidavit in Reply	
40	OA1061/23 With	Mumbai	Adv M S Deshmukh/ Adv U L Momale (Umakant L Desale)	Seniority List	For Filing Affidavit in Reply	
41	OA1062/23 With	Mumbai	Adv M S Deshmukh/ Adv U L Momale (Vijaykumar R Chougule)	Seniority List	For Filing Affidavit in Reply	
42	OA1063/23 With	Mumbai	Adv M S Deshmukh/ Adv U L Momale (Dhananjay A Vyawahare)	Seniority List	For Filing Affidavit in Reply	
43	OA1064/23 With	Palghar	Adv M S Deshmukh/ Adv U L Momale (Vishal A Ahirrao)	Seniority List	For Filing Affidavit in Reply	
44	OA1065/23 With	Kolhapur	Adv M S Deshmukh/ Adv U L Momale (Santosh V Rasane)	Seniority List	For Filing Affidavit in Reply	
45	OA1066/23 With	Thane	Adv M S Deshmukh/ Adv U L Momale (Mahendra H Khamkar)	Seniority List	For Filing Affidavit in Reply	
46	OA1067/23 With	Sindhudurg	Adv M S Deshmukh/ Adv U L Momale (Sanjay V Dahiphale)	Seniority List	For Filing Affidavit in Reply	
47	OA1072/23 With	Nagpur	Adv M S Deshmukh/ Adv U L Momale (Anand M Rode)	Challenging Seniority List	For Filing Affidavit in Reply	

48	OA1073/23 With	Amravati	Adv M S Deshmukh/ Adv U L Momale (Talba S Bawane)	Challenging Seniority List	For Filing Affidavit in Reply	
49	OA1074/23 With	Chadrapur	Adv M S Deshmukh/ Adv U L Momale (Nagnath B Sagar)	Challenging Seniority List	For Filing Affidavit in Reply	

50	OA1075/23	Gondiya	Adv M S Deshmukh Adv U L Momale (Pralhad F Khandwaye)	Challenging Seniority List	For Filing Affidavit in Reply	
51	OA1078/23	Beed	Adv P D Suryawanshi Adv S A Nagarsoge (Bhagwat V Garje & Ors.)	Promotion	For Filing Affidavit in Reply	
52	OA1120/23	A'bad	Adv B N Magar- Patil (Satule C Virabhadra & Ors.) <u>Adv A S Deshmukh</u> <u>&</u> <u>Adv Rahul R Awhad</u> <u>For R-4 & R-5</u> <u>Adv Bhushan B</u> <u>Kulkarni For R-2</u>	Selection Process	Reply Filed By R-2, R-4 & R-5	
53	OA180/24	Beed	Adv Omprakash D Mane (Goraksha B Palve)	Promotion	By way of Last Chance For Filing Affidavit in Reply	

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And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 19/03/2024

Suplimentary Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matter						
1	OA65/24	P'bhani	Adv.R A Joshi (Sachinsing B Chauhan)	Selection Process	Circulation For Filing Affidavit in Reply	

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

*List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single Bench
Before: -THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)*

Date: -19/03/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA1093/22	Dhule	Adv.Sanket N Suryawanshi (Ashok M Shinde&Ors.) <u>Adv Ujwal S Patil For R-5</u>	Counting of Service for Pensionary Benefits	For Filing Affidavit in Reply	26.04.2024
2	OA333/23	Beed	Adv A S Deshmukh (Bhagwan S Gitte)	Suspension	Await Service	22.04.2024
3	OA473/23 With	A'bad	Adv Ajay S Deshmukh (Smt. Pragati R Chondekar) <u>Adv A S Shelke For R- 3</u>	Transfer	As a Last Chance For filing Affidavit in Reply	21.06.2024
4	OA475/23 In Caveat 19/23 With	Hingoli	AdvAvinash S Deshmukh (Sharda N Dalvi) <u>Adv I K Jadhav/ Adv P L Jadhav For Caveator</u>	Transfer	As a Last Chance For filing Affidavit in reply	21.06.2024
5	OA476/23	Hingoli	AdvPreeti R Wankhade (Navnath B Wagwad)	Transfer	As a Last Chance For filing Affidavit in reply	Disposed of
6	OA776/23	Nanded	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Dr.Prakash L Gattani) <u>Adv A S Deshmukh For R- 2</u>	Transfer	As a Last Chance For Filing Affidavit in Reply	15.04.2024
7	OA817/23	Jalna		Benefits of G.R	For Filing	26.04.2024

			Adv S A Ghate Adv Pallavi Karhadkar (Vaishali N Kattul)		Affidavit in Reply	
8	OA835/23	A'nagar	Adv A D Sugdare (Bhanudas D Avhad)	Pension	For Filing Affidavit in Reply	06.05.2024
9	OA974/23	A'bad	Adv K B Jadhav (Afsar Khan Samsher Khan)	Refund of Recovered Amount	For Filing Affidavit in Reply	02.05.2024
10	OA1030/23	Chh. Sambhaj inagar	Adv Shamsunder B Patil (Radhey R Khetre)	Transfer	For Filing Affidavit in Reply	02.05.2024
11	OA1085/23	Dhule	Adv R M Deshmukh (Raj L Mali)	Appointment on Compassionate Ground Three Children	For Filing Affidavit in Reply	29.04.2024
12	OA82/24	A'bad	Adv Sachin S Deshmukh (Madhukar R More)	Transfer	As a Last Chance For Filing Affidavit in Reply	02.04.2024
13	OA100/24	P'rbn	Adv M R Deshmukh (Padmakar G Pathak)	Transfer	Await Service	18.04.2024
14	OA101/24	P'rbn	Adv M R Deshmukh (Satish V Zade)	Transfer	Await Service	18.04.2024
15	OA102/24	O'bad	Adv Jiwan J Patil (Shirish R Yadav)	Transfer	For Filing Affidavit in Reply R-2 & R-3	10.04.2024

16	OA103/24	Jalna	Adv Jiwan J Patil (Pratibha P Gore)	Transfer	For Filing Affidavit in Reply	10.04.2024
17	OA112/24	Jalgaon	Adv S D Joshi (Anirudha P Sontakke)	Transfer	For Filing Affidavit in Reply	18.04.2024

Order Matters

18	MA202/14 In MASt447/14 In OAS449/14 With	A'bad	Adv. Suchita A Dhongde- Upadhyay (Vinayak P Kulkarni & 3 Oth.) <u>None Present For R-2</u>	M.A. For Condonation of Delay	Await Service R-2	13.06.2024
19	MA217/15 In	A'bad	Adv. Suchita A Dhongde- Upadhyay	M.A. For Condonation of	Await Service R-2	

	OAs437/15 With		(Madhukar M Binorkar) <u>None Present For R-2</u>	Delay		
20	MA215/15 In OAs443/15 With	A'bad	Adv.Suchita A Dhongde- Upadhyay (Mahiwal D Saini) <u>None Present For R-2</u>	M.A. For Condonation of Delay	Await Service R-2	13.06.2024
21	MA227/15 In OAs455/15 With	A'bad	Adv.Suchita A Dhongde- Upadhyay (Uttam J Magar) <u>None Present For R-2</u>	M.A. For Condonation of Delay	Await Service R-2	
22	MA228/15 In OAs453/15	A'bad	Adv.Suchita A Dhongde- Upadhyay (Murlidhar B Maske) <u>None Present For R-2</u>	M.A. For Condonation of Delay	Await Service R-2	
23	MA27/23 In OAs1510/22	Dhule	AdvNima R Suryawanshi (Bhagyesh S Marathe)	M.A For Condonation of Delay	For Filing Affidavit in Reply to the O.A	10.06.2024

24	MA164/23 In OAs467/23	A'bad	AdvUmesh S Gadsing (Ganesh M Bade) <u>Adv S B Mene For R-2</u> <u>& R-3</u> <u>Adv V P Sawant For</u> <u>R-4</u>	M.A For Condonation of Delay	Await Service & For Filing Affidavit in Reply R-2 & R-3 R-4	30.04.2024
25	MA424/23 In OAs1520/23	Nanded	Adv S K Mathpati (ShaikhYousufShaikhSab er)	M.A For Condonation of Delay	For Filing Affidavit in Reply	30.04.2024
26	MA428/23 In OAs1403/23	A'bad	Adv Prasad D Jarare (Gautam L Paikade)	M.A For Condonation of Delay	For Filing Affidavit in Reply	29.04.2024
27	MA19/24	A'bad	AdvKakasaheb B Jadhav (Ravindra P Garbade)	M.A for Condonation of	Await Service	29.04.2024

	In OAS195/24			Delay		
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**M.A.NO. 310 OF 2020 IN O.A.ST.NO. 2061 OF 2019
(Jagdish K. Mahendrakar Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.3, are present.

2. In view of absence of learned counsel for the applicant, S.O. to 18.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**M.A.NO. 306 OF 2021 IN O.A.ST.NO. 1305 OF 2021
(Kiransingh A. Pal Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Smt. Suchita Dhongde, 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.3& 4, are present.

2. S.O. to 14.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**M.A.NO. 307 OF 2021 IN O.A.ST.NO. 1307 OF 2021
(Trymback V. Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Smt. Sunita D. Shelke, learned counsel for respondent Nos.2 to 4, are present.

2. S.O. to 14.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**M.A.NO. 330 OF 2022 IN O.A.ST.NO. 1196 OF 2022
(Vaibhav V. Shirsath Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri Madhav Gude, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 19.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**M.A.NO. 33 OF 2024 IN O.A.NO. 161 OF 2023
(Balu S. Bharnale & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicants, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 12.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 980 OF 2018
(Narayan K. Vyas Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri S.V. Kurundkar, learned counsel holding for Shri Ajay S. Deshpande, 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 19.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 940 OF 2019
(Ashok D. Phadnis Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri S.D. Joshi, 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 24.04.2024 for further hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 586 OF 2023
(Umesh R. Kavle Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 618 OF 2023
(Kishor A. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in both the O.As. and Shri D.M. Hange, learned Presenting Officers for the respondent authorities in both the O.As., are present.

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondent Nos. 1 & 2 will be filed in both the O.A.

3. In view of order passed by Principal Seat of this Tribunal at Mumbai in O.A.No. 872/2023 in respect of employees of the same post and same department in the identical situation, the Principal Secretary, Medical Education and Drugs Department directed to submit 'Brief Note' to office of next 'Superior Transferring Authority' who is 'Hon'ble Chief Minister, Maharashtra State' to separately consider and take expeditious decision with regard to the proposal of applicants for transfer on the vacant post of 'Food Safety Officer' at the options given by the applicants.

4. S.O. to 12.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 929 OF 2023
(Gopal P. Sanap Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 10.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 873 OF 2023
(Sunil G. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 27.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 26 OF 2024
(Chandrakant G. Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 10.04.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 812 OF 2023
(Dr. Ravindra K. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 08.04.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 133 OF 2023
(Ramesh S. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 02.05.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 709 OF 2023
(Deepak R. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.S. Deshmukh, learned counsel for respondent No.6, are present.

2. S.O. to 27.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 1046 OF 2022
(Sangram G. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 10.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**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 : 19.03.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel holding for Shri Ajit M. Gholap, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION ST.NO. 591 OF 2024
(Dattoha Banshi Jadhav Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. Learned counsel for the applicant though has raised the grounds, however, the applicant can approach the Departmental Appellate Authority to seek his grievance. The applicant can also raise the ground that the order of suspension has been passed not by the appointing authority but by the Commandant i.e. respondent No.4.

3. The Original Application is disposed of with liberty to the applicant to approach the Departmental Appellate Authority within a week from the date of this order. No order as to costs.

MEMBER (J)

**M.A.NO. 212/2015 IN O.A.ST. NO. 441/2015 WITH
M.A.NO. 214/2015 IN O.A.ST. NO. 451/2015 WITH
M.A.NO.240/2015 IN O.A.ST. NO. 957/2015 WITH
M.A.NO. 241/2015 IN O.A.ST. NO. 955/2015
WITHM.A.NO.242/2015 IN O.A.ST. NO. 960/2015 WITH
MA 202/2014 IN MA ST.447/2014 IN OA ST.449/2014 WITH
M.A.NO. 217/2015 IN O.A.ST. NO. 437/2015 WITH
M.A.NO. 215/2015 IN O.A.ST. NO. 443/2015 WITH
M.A.NO. 227/2015 IN O.A.ST. NO. 455/2015 WITH
M.A.NO. 228/2015 IN O.A.ST. NO. 453/2015 WITH
(Suresh M. Tulapurkar & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicants in all these cases and S/Shri D.M. Hange, A.P. Basarkar and Smt. R.S. Deshmukh, learned Presenting Officers for the respondent authorities in all these cases and S.B. Patil, learned counsel for the respondent Nos. 2 to 4 in M.A. Nos. 240/15, 241/15, 242/15, are present.

None present for respondent No.2 in M.A. Nos. 202/2014, 215, 217, 227, 228 all of 2015.

2. By consent of parties, S.O. to 13.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 784 OF 2015
(Malappa P. Shendule Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 26.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 116 OF 2017
(Dr. Dhanraj W. Kendre Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri Vijay V. Deshmukh, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 26.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 866 OF 2018
(Venkat M. Methe Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. S.O. to 10.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 253 OF 2019
(Laxmikant M. Bhoskar Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 160 OF 2020
(Shrirang P. Jarhad Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri Shrirang P. Jarhad, party in person, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No.4, are present.

2. S.O. to 10.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 104 OF 2021
(Chandrakant L. Shirkhedkar Vs. State of Maharashtra &
Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.05.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 321 OF 2021
(Dr. Pramod U. Wawdhane Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri S.V. Kurundkar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.B. Shinde, learned counsel for respondent No.4, are present.

2. S.O. to 11.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**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 : 19.03.2024

ORAL ORDER :

Shri Mayur Subhedar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.05.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 19.03.2024

**ORIGINAL APPLICATION NO. 643 OF 2023
(Dilip B. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Shri Jiwan Patil, learned counsel holding for Shri A.B. Jagtap, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

Shri A.B. Rajkar, learned counsel for respondent No.3, is **absent**.

2. S.O. to 10.04.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**M.A.NO. 116 OF 2024 IN O.A.NO. 103 OF 2022
(Tushar V. Veldandi Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

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

2. By this Misc. Application the applicant is seeking amendment in Original Application by adding prayer clause D (i) & E (i). By filing the Original Application the applicant sought direction to respondent Nos. 2 & 3 to consider his claim for appointment on compassionate ground as a Clerk in place of his father. By proposed amendment the applicant is seeking direction to respondent No. 2 & 3 to consider his claim for appointment on compassionate ground as Class-IV instead of Clerk in place of his father and further direction to respondent to issue appointment order for the post of Class-IV to the applicant.

3. In view of above, and for the reasons stated in the Misc. Application, the same is allowed in terms of prayer clause 'B'.

//2//

4. The Misc. Application No. 116/2024 is accordingly disposed of. No order as to costs.

MEMBER (J)

sas ORAL ORDER 19.03.2024

M.A. No. 27/2023 in O.A. St. No. 1510/2022
(Bhagyesh S. Marathe Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Smt. Nima Suryawanshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 10.06.2024.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 114 OF 2023
(Gopal D. Suryawanshi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 18.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 776 OF 2023
(Dr. Prakash L. Gattani Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Avinash Deshmukh, learned counsel for respondent No. 2, are present.

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 15.04.2024 with liberty to the other side to file the affidavit in reply, if any till then.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 1020 OF 2022
(Ramesh S. Surung Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri R.O. Awsarmol, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. Shri S.K. Chavan, learned counsel for respondent No. 2, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 10.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

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

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

DATE : 19.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 11.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

M.A. No. 143/2022 in O.A. St. No. 75/2022
(Sudhir S. Bramhne Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri A.B. Kale, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 11.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 102 OF 2024
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri Jiwan Patil, 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 Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 2 & 3.

3. S.O. to 10.04.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 103 OF 2024
(Pratibha P. Gore Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri Jiwan Patil, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 10.04.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 1085 OF 2023
(Raj M. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. At the request of learned counsel for the applicant, S.O. to 29.04.2024 for filing rejoinder affidavit.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 915 OF 2022
(Kailas M. Prajapati Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 735 OF 2023
(Suryakant D. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

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.

2. At the request of learned counsel for the applicant, S.O. to 12.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 974 OF 2023
(Afsar Khan Samsher Khan Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 02.05.2024.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

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

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

DATE : 19.03.2024

ORAL ORDER :

Shri R.E. Pathade, learned counsel holding for Shri D.A. Bide, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 23.04.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

M.A. No. 164/2023 in O.A. St. No. 467/2023
(Ganesh M. Bade Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri U.S. Gadsing, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 and Shri V.P. Sawant, learned counsel for respondent No. 4, are present.

2. Learned counsel for respondent No. 4 submits affidavit in reply in M.A. Same is taken on record along with spare copy for the applicant.

3. S.O. to 30.04.2024 for filing affidavit in reply of other respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2024
(Madhukar R. More Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 02.04.2024 with liberty to the other side to file the affidavit in reply, if any till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 746 OF 2023
(Popat N. Karhale Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Ms. Preeti Wankhade, 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, time is granted for filing rejoinder affidavit.

3. S.O. to 13.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 1030 OF 2023
(Dr. Radhey R. Khetre Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Shamsunder B. Patil, 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 Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 02.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 835 OF 2023
(Bhanudas D. Avhad Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for admission hearing on 06.05.2024 and filing rejoinder affidavit, if any.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 305 OF 2024
(Aniket S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri M.S. Dalave, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 18.04.2024.

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 18.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 306 OF 2024

(Prasanna L. Patil Alias Prasanna N. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri I.D. Maniyar, learned counsel holding for Shri V.S. Panpatte, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 18.04.2024.

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 18.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 309 OF 2024
(Sanjay C. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. The impugned transfer order of the applicant and further consequences thereto would be subject to outcome of the present Original Application.

3. Issue notices to the respondents, returnable on 18.04.2024.

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 18.04.2024.

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 310 OF 2024
(Rajesh D. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 18.04.2024.

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. Learned Presenting Officer shall call the record and proceedings for perusal of this Tribunal.

8. S.O. to 18.04.2024.

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

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 : 19.03.2024

ORAL ORDER :

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

2. At the request of learned counsel Presenting Officer, time is granted for compliance of the order dated 05.03.2024.

3. It is a part heard matter. S.O. to 24.04.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 476 OF 2023
(Nawnath Baliram Wagwad Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instruction in writing from the applicant submits that by order dated 04.10.2023, the Government servant viz. Shri Dhondiba Narayan Gaikwad came to be transferred in the transfer place of the applicant. Leaned counsel submits that in view of the same, nothing survives for further consideration in the present O.A., since the earlier position is restored. Copy of the said order dated 4.10.2023 is taken on record and marked as document 'X' for identification.

3. In view of above, the present Original Application has become infructuous and the same is accordingly disposed of. No order as to costs.

MEMBER (J)

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

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

DATE : 19.03.2024

ORAL ORDER :

Shri Ajay Deshapnde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri A.S. Shelke, learned counsel for respondent No. 3, is absent.

2. Learned counsel for the applicant submits that the applicant has been displaced even after passing of the impugned order on account of Code of Conduct and in compliance thereof, she has also joined the said post.

3. Even though the last chance is granted, no affidavit in reply has been filed.

4. List the matter for admission hearing on 21.06.2024 with liberty to the other side to file affidavit in reply, if any, till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 475 OF 2023 WITH
CAVEAT NO. 19/2023**

(Sharda N. Dalvi Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri I.K. Jadhav/P.L. Jadhav, learned counsel for caveator, is **absent**.

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 21.06.2024 with liberty to the other side to file affidavit in reply, if any, till then. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 311 OF 2024
(Dr. Namdev V. Korde Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 324 OF 2024
(Dr. Manohar T. Jadhav Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 325 OF 2024
(Dr. Ranjana V. Lende Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 326 OF 2024
(Dr. Janabai B. Suryawanshi Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 327 OF 2024
(Dr. Dhruvraj M. Sonar Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 328 OF 2024
(Dr. Dinesh U. Valvi Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 329 OF 2024
(Dr. Rekha V. Shinde Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 330 OF 2024
(Dr. Narayan L. Bawa Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard S/shri J.S. Deshmukh & S.D. Joshi, learned counsel for the applicants in respective O.As. and S/shri M.B. Bharaswadkar, D.M. Hange, A.P. Basarkar and Smt. Resha Deshmukh, learned Chief Presenting Officer and Presenting Officers for the respondent authorities in respective O.As.

2. Issue notices to the respondents, returnable on 02.04.2024. **Till then, the status quo as on today shall be maintained.**

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

4. 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.

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

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

7. S.O. to 02.04.2024.

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 312 OF 2024
(Vinod Arjun Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri Sachin Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri N.L. Choudhari, learned counsel for respondent No. 3.

2. Learned counsel for the applicant submits that the applicant, who is working as Sub-Divisional Officer, Public Works Sub-Division, Sakri, promoted on the said post by order dated 13.12.2022. Learned counsel submits that by way of Annexure A-3, local MLA by communication dated 31.08.2023 has requested the Hon'ble Chief Minister of State of Maharashtra for transfer of respondent No. 3 in Dhule District on account of his some personal difficulties. Consequently, by impugned order dated 15.03.2024, the respondent No. 3 came to be transferred on the place of the applicant, however, neither the applicant has received any transfer order nor the posting. Learned counsel submits that it is clear from the communication dated 17.03.2024

//2// O.A. No. 312/2024

from the respondent No. 3 to the Executive Engineer, Public Works Department, Dhule that still he has not taken the charge of his post of transfer in terms of the transfer order dated 15.03.2024. Learned counsel submits that it is a mid-term and mid-tenure transfer of the applicant and the same has been effected only because of intervention of the local MLA.

3. Learned counsel Shri N.L. Choudhari, appearing for respondent No. 3 submits that it is not a mid-term and mid-tenure transfer of the applicant, since the applicant is working in Dhule district since 2019. Learned counsel submits that the respondent No. 3 has taken the charge of the said post.

4. It appears that even though the respondent No. 3 by impugned order dated 15.03.2024 has been transferred on the place of the applicant, however, there is no corresponding order of transfer of the applicant nor posting at the different place. Consequently, I find much substance in the submission made on behalf of the applicant that the

//3// O.A. No. 312/2024

applicant has not been relieved from the said post. From the communication dated 17.03.2024, which is placed on record today, it appears that the respondent No. 3 has not taken over the charge of said post in terms of the transfer order dated 15.03.2024.

5. **In view of above, the parties are directed to maintain the status quo as on today till the next date of hearing.**

6. Issue notices to the respondents, returnable on 08.04.2024.

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

8. 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.

//4// O.A. No. 312/2024

9. 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.

10. 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.

11. S.O. to 08.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 638 OF 2024
(Kailas B. Khade & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 644 OF 2024
(Harischandra B. Nangre & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 646 OF 2024
(Prashant D. Sonawane & Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 319 OF 2024
(Shital S. Shinde Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 320 OF 2024
(Vaishali A. Sonawane Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 321 OF 2024
(Varsha H. Kawanpure Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 322 OF 2024
(Kaveri N. Adik Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 323 OF 2024
(Santosh B. Gholave Vs. State of Maharashtra & Ors.)

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 : 19.03.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants in all these O.As. except O.A. No. 332/2024, Shri Sameer Kurundkar, learned counsel for the applicant in O.A. No. 332/2024 and S/shri M.B. Bharaswadkar, D.M. Hange, A.P. Basarkar and Smt. Resha Deshmukh, learned Chief Presenting Officer and Presenting Officers for the respondent authorities in respective O.As.

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2. Learned counsel appearing for the applicants in all these Original Applications submit that by separate orders in respect of the employees working in the Tahsil Office at Taluka places of Ahmednagar district came to be transferred in another Tahsil Offices of the same district, for the reasons that the Tahsildars concerned have submitted the report about receipt of the complaint against them and accordingly on the basis of the said complaint, they came to be transferred.

3. Learned counsel for the applicants submits that it is a mass transfer orders without any base and without following the guidelines prescribed in the G.R. dated 11.02.2015. Learned counsel submits that there was absolutely no attempt at all to verify truthfulness of the said complaint and tenor of the transfer orders itself indicates that the applicants came to be transferred at the whims of the superior officers.

4. It appears that the applicants in the aforesaid Original Applications are Class-III employees and even though by impugned orders they came to be transferred to various Tahsil Offices, they have yet not been relieved as submitted by the learned counsel appearing for them. On perusal of the transfer orders, it appears that on the basis of the report submitted by the Tahsildars in respect

//3//

of their conduct and behavior with the persons approaching the respective Tahsil Offices, the said action has been proposed and consequently, the transfer orders have been issued under the orders of the Collector.

5. I find much substance in the submissions made on behalf of the applicants. If the applicants are yet not relieved, **the parties are directed to maintain the status quo as on today till the next date of hearing.**

6. Learned C.P.O. is requested to call the record and proceedings for perusal of this Tribunal.

7. Issue notices to the respondents, returnable on 08.04.2024.

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

9. 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.

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10. 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.

11. 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.

12. S.O. to 08.04.2024.

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

MEMBER (J)

KPB ORAL ORDER 19.03.2024

M.A. No. 120/2024 in O.A. St. No. 638/2024
(Kailas B. Khade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the applications, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. No. 120/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

M.A. No. 121/2024 in O.A. St. No. 644/2024
(Harischandra B. Nangre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the applications, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. No. 121/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

M.A. No. 122/2024 in O.A. St. No. 646/2024
(Prashant D. Sonawane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the applications, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. No. 122/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 205 OF 2024
(Varsha Landge Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 206 OF 2024
(Vikram M. Rajput Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 207 OF 2024
(Tanaji Dilip Barade Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

(Through Video Conferencing)

Smt. Poonam Mahajan, learned counsel for the applicants in all the O.As., Ms. S.P. Manchekar, learned Chief Presenting Officer for the respondent authorities in all the O.As. and Shri Alok Sharma, learned counsel appearing for respondent No. 5 i.e. the Election Commission of India in all these O.As., are present.

2. I have heard oral submissions of learned counsel for the applicants, learned Chief Presenting Officer for the respondent authorities and learned counsel Shri Alok Sharma, representing for Election Commission of India.

3. Reserved for orders.

4. Interim relief if any granted earlier to continue till the decision is pronounced.

MEMBER (J)

**M.A.56/2024 IN O.A.64/2024 WITH CAVEAT NO.43 TO 70/2024
(Kajal Sahebrao Moon & Ors., Sushant M. Patil & Ors. Vs. State of
Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 19.03.2024

ORAL ORDER :

Smt. Neha Kamble, learned Counsel for applicants in M.A.56/2024 & O.A.64/2024 is **absent**.

Shri R. Awhad, learned Counsel for Caveators is present. Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities and Shri Sangharsh V. Waghmare, learned Counsel for private respondents, are present.

2. Learned Counsel who was appearing for the applicants in M.A.56/2024 & O.A.64/2024 has been appointed as Assistant Government Pleader for the State of Maharashtra before the Hon'ble Bombay High Court Bench at Aurangabad.

3. In the interest of justice, for taking steps and making alternate arrangement, matter is adjourned till 19-04-2024. **Interim arrangement earlier in existence as per order dated 08-02-2024 shall continue till next date.**

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 15.03.2024

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

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

DATE : 19.03.2024

ORAL ORDER :

Shri Rahul Shimare, learned Counsel holding for Shri R.P.Bhumkar, learned Counsel for the applicant in M.A., 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, are present.

2. S.O. to 18-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 19.03.2024

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 : 19.03.2024

ORAL ORDER :

Shri Rahul Shimare, learned Counsel holding for Shri R.P.Bhumkar, learned Counsel for the applicant in M.A. M.A.NO.563/2023, 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, are present.

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

2. Learned CPO submits that in all these matters 3 separate affidavits are being prepared having separate issues. Order directing status quo to be maintained is in operation and learned CPO has, therefore, sought time to place these affidavits on record in 4 weeks.

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

3. In the circumstances, we see no impediment for granting the time as prayed for by the respondents. Time is granted.

4. Intervention applications also be placed along with these matters.

5. S.O. to 18-04-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

C.P.NO.25/2023 IN O.A.NO.205/2021
(Ramesh Y. Gunjal Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. Learned Counsel appearing for the applicant submits that except leave encashment rest of the benefits are given to the applicant. Learned P.O. seeks time to take instructions in respect of the payment of leave encashment and make submission on the next date.

3. Hence, S.O. to 27-03-2024.

MEMBER (A)

YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

C.P.NO.72/2023 IN O.A.NO.580/2022
(Ramhari G. Sontakke Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

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. In the present matter, learned P.O. has pointed out that Writ Petition has been preferred against the order passed by this Tribunal. Orders are yet to be received from the Hon'ble High Court.

3. In view of the same matter stands adjourned to 29-04-2024.

MEMBER (A)
YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

M.A.NO.98/2024 IN O.A.NO.958/2023
(Afroj Tamurkhan Pathan Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 19.03.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. By filing present application, applicant prays for amending pleadings so as to bring on record the subsequent events and the contextual prayers. He, therefore, prays for allowing the application for amendment. Since it will not change the complexion of the matter, amendment is allowed. Amendment be carried out within a week. Amended copy of O.A. be placed on record. If reply is not yet filed, reply be filed considering the amendment brought by the applicant.

3. S.O. to 29-04-2024.

MEMBER (A)

YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

C.P.NO.34/2022 IN O.A.NO.78/2021
(Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Smt. V.A.Shinde, learned Counsel holding for Smt. Anuradha Mantri, learned Counsel for respondent no.2, are present.

2. It is brought to our notice that proposal for pension has been forwarded to A.G. Office.

3. On joint request of the parties, matter stands adjourned to 04-04-2024.

MEMBER (A)
YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.180/2024
(Goraksha B. Palve Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply. Request is opposed by the learned Counsel for the applicant stating that applicant is on the verge of retirement. However, in the interest of justice time is granted for filing reply till 05-04-2024. If reply is not filed on the said date, matter will be heard without reply of the respondents.

3. S.O. to 05-04-2024.

MEMBER (A)
YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

C.P.NO.66/2023 IN O.A.NO.502/2022
(Mohd. Siddique Sarwar Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Girish Kulkarni, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time by way of last chance to submit the affidavit in reply. Time is granted as a last chance.

3. S.O. to 12-04-2024.

MEMBER (A)
YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

C.P.NO.16/2020 IN O.A.NO.886/2018
(Baliram D. Waghmare Vs. State of Maharashtra & Ors.) WITH
C.P.NO.17/2020 IN O.A.NO.883/2018
(Sawairam D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri G.N.Kulkarni, learned Counsel for the applicants, Shri V.R.Bhumkar & Shri V.G.Pingle, learned Presenting Officers for the respondent authorities, are present.

2. At the request of learned Presenting Officers, S.O. to 12-04-2024.

MEMBER (A)
YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.500/2019
(Saburi C. Donglikar Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Yogesh P. Deshmukh, learned Counsel for the applicant is **absent**.

Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, Shri V.B.Wagh, learned Counsel for respondent no.5 and Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned Counsel for respondent no.6, are present.

2. Neither learned Counsel for the applicant nor the applicant is present before the Tribunal. Learned Counsel for respondent no.5 pointed out that present matter has become infructuous, however. Shri Wagh, learned Counsel for respondent no.5 has placed on record the order passed in Writ Petition No.4497/2018 by the Hon'ble High Court on 13-10-2023. Same is taken on record.

3. S.O. to 02-04-2024. If the matter is not proceeded further on the said, the same shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri R.A.Joshi, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Not on board. Taken on board. Learned Counsel prays for extension of one week's time for carrying out amendment. Granted.

3. S.O. to 26-03-2024.

MEMBER (A)
YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.328/2023
(Harshal V. Marathe Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

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

2. Learned P.O. has again sought time for filing affidavit in reply. Request is opposed by the learned Counsel for the applicant.

3. There is no good reason for accepting the request since due opportunities are already availed by the respondents. Hence, list the matter for hearing on 02-04-2024.

MEMBER (A)
YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

M.A.NO.193/2023 IN M.A.NO.44/2023 IN
O.A.ST.NO.61/2023
(Ramesh V. Mathpati & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Amol Kokad, learned Counsel holding for Shri V.R.Nawathe, learned Counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicants sought leave to delete applicant nos.3 and 4 from the matter. Leave as prayed for is granted. Names of applicant no.3 & 4 be deleted forthwith.

3. Since both the applicants are similarly situated persons agitating the identical cause and praying for same reliefs, to avoid multiplicity of litigation application for sue jointly is allowed. M.A. for sue jointly is allowed and disposed of accordingly. No costs.

4. O.A. be registered and numbered in accordance with law on payment of requisite court fees, if already not paid, and after removal of office objections, if any.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.44/2023 IN O.A.ST.NO.61/2023
(Ramesh V. Mathpati & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri V.R.Nawathe, learned Counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicants submits that delay has occurred for the reason that the representations were made and they were under consideration. It is further contended that otherwise also there is continuous cause of action. It is further submitted that, the delay caused for filing the accompanying O.A. deserves to be condoned and applicants be given an opportunity to agitate their cause.

3. Learned P.O. prayed for passing appropriate order.

4. In view of the submissions of the applicants, we are inclined to allow the M.A. and pass the following order:

ORDER

[i] M.A. is allowed. Delay caused for filing the O.A. is condoned.

[ii] Accompanying O.A. be registered and numbered as per rules, after removal of office objections, if any.

MEMBER (A)

VICE CHAIRMAN

O.A.ST.NO.61/2023

(Ramesh V. Mathpati & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 19.03.2024

ORAL ORDER :

Shri V.R.Nawathe, learned Counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. On registration of O.A., issue notice to respondents, returnable on 18-06-2024.

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

4. 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.

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

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

7. S.O. to 18-06-2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 19.03.2024

T.A.NO.18/2024 (W.P.NO.1705/2024)
(Datta J. Kadam & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri Vishal A. Bagal Patil, learned Counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 18-06-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. 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.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 18-06-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 19.03.2024

M.A.NO.114/2024 IN O.A.ST.NO.226/2024
(Dr. Arshad Ahmed R. Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri M.R.Kulkarni, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents in M.A. for condonation of delay, returnable on 19-06-2024.

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

4. 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.

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

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

7. S.O. to 19-06-2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO.317/2024
(Sharda P. Kachave Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri R.J.Nirmal, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 10-04-2024. **Point of interim relief is kept open.**

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 10-04-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.479/2024
(Jitendra Z. Kanhaiye Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. The office has raised objection as about limitation stating that cause of action apparently to have occurred in the year 2014 since recruitment process was carried out in the said year. Learned Counsel submitted that the applicant who was selected after due selection process was not given appointment order on the ground of pendency of criminal case. Learned Counsel further submitted that the applicant has previously also approached this Tribunal, however, his application was dismissed. However, in the meanwhile criminal case pending against the applicant was decided and applicant has been acquitted. Thereafter, applicant again approached the respondents filing representation for his appointment. However, the respondents have not taken any decision on the request so made. Accordingly, the applicant has approached this Tribunal after the statutory period has over. Learned Counsel, therefore, prayed that the O.A. is filed within limitation and office order may not sustain.

3. In view of the submission so made by the learned Counsel for the applicant, the O.A. seems to be within limitation. Hence, O.A. be registered in accordance with rules, after removal of office objection, if any.

4. Thereafter, issue notice to respondents, returnable on 19-06-2024.

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

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

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

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the

=3= O.A.ST. NO.479/2024

Registry before due date. Applicants are directed to file affidavit of compliance and notice.

9. S.O. to 19-06-2024.

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

MEMBER (A)

YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

M.A.NO.324/2021 IN O.A.ST.NO.947/2021
(Dr. Sudam Hajanrao Mogle Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. This is an application for condonation of delay which has occasioned in filing the accompanying O.A. In the O.A. applicant is seeking condonation of technical break which was given to him in the service and serious prejudice has caused to him because of not condoning the said technical breaks. Learned Counsel submits that every efforts were taken by him to get the issue redressed at the departmental level, however, after having failed in getting any relief the applicant has approached this Tribunal.

3. Learned P.O. submits that huge delay has occasioned and it cannot be condoned unless the case is made out for the same.

=2= M.A.NO.324/2021 IN O.A.ST.NO.947/2021

4. We have gone through the contentions in the O.A. as well as the M.A. Since the issue relates to the period of service and its adverse effect for getting the service benefits to the applicant, it appears to us that the applicant deserves to be given an opportunity to prosecute his matter on merits. We are, therefore, inclined to condone the delay though it appears to be of longer period. Hence, the following order:

ORDER

- [i] M.A. is allowed. Delay caused for filing the O.A. is condoned.
- [ii] Accompanying O.A. be registered and numbered as per rules, after removal of office objections, if any. No costs.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 19.03.2024

O.A.ST.NO.947/2021

(Dr. Sudam Hajanrao Mogle Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 19.03.2024

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. On registration of O.A., issue notice to respondents, returnable on 20-06-2024.

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

4. 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.

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

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

7. S.O. to 20-06-2024.

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

MEMBER (A)

YUK ORAL ORDER 19.03.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1120/2023
(Satule Chetan Virabhadra & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri B.N. Magar Patil, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Bhushan B. Kulkarni, learned Counsel for respondent no.2 and Shri A.S. Deshmukh along with Shri Rahul R. Awhad, learned Counsel for respondent nos.4 and 5, are present.

2. Arguments are partly heard. By consent of all the parties, the matter stands adjourned for further consideration on 03.04.2024.

MEMBER (A)

VICE CHAIRMAN

**M.A.87/2024 IN O.A.145/2024 WITH CAVEAT 43 TO 70/2024
(Ramesh V. Badbe & Ors., Sushant M. Patil & Ors. Vs. State of
Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 19.03.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for applicants in O.A.No145/24 & 87/2024, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri A.S. Deshmukh, learned Counsel for respondent nos.3 to 6 in O.A. and Shri Sangharsh V. Waghmare, learned Counsel for private respondents, are present.

2. Learned counsel for respondent nos. 7 to 15 has tendered affidavit in reply. Same is taken on record and copy thereof is given to other side.

3. Arguments are partly heard. By consent of all the parties, the matter stands adjourned for further consideration on 03.04.2024. **Interim arrangement earlier in existence as per order dated 08-02-2024 shall continue till next date.**

MEMBER (A)

ARJ ORAL ORDER 19.03.2024

VICE CHAIRMAN

M.A. NO. 544/2022 IN O.A. ST. 762/2018

**(Maharashtra Rajya Bazar Samiti Karmachari Seva Nivrutti Veten
Yojana through CEO Balasaheb Kastore Vs. State of Maharashtra & Ors.)**

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 19.03.2024

ORAL ORDER :

Shri V.R. Deshmukh, learned counsel for the applicant in M.A., Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri S.D. Joshi, learned Counsel for applicants in O.A., are present.

2. S.O. to 4.4.2024 for hearing. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 19.03.2024

ORIGINAL APPLICATION NO. 63/2024

(Balbir Singh Jagannath Prasad Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.3.2024 for hearing. **Matter be treated as part heard.**

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 430/2020

(Ashok Dattarao Talade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, Shri R.O. Awsarmal, learned counsel for respondent nos. 13, 14, 19, 21, 24, 28, 42 & 61 and Shri D.S. Pagare, learned counsel for respondent nos. 26,30, 32, 37, 56 & 59, are present.

2. Arguments are heard. Closed for orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 19.03.2024

ORIGINAL APPLICATION ST. NO.581/2024
(Vijay Laxman Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The Office has raised objection that the applicant has not filed departmental appeal before the higher authority as provided under Rule 17(i) of the Maharashtra Civil Services (Discipline & Appeal) Rules 1979 [hereinafter referred to as "Rules of 1979" for short].

3. In this context learned Counsel for the applicant submits that, so far as the order of suspension passed against the applicant is concerned, the same has been passed under Rule 4 of Rules of 1979 and in terms of Rule 17(i) of the Rules of 1979, Government servant may prefer an appeal against the order of suspension made or deemed to have been made under Rule 4 of Rules of

1979. Learned Counsel for the applicant submits that in terms of Rule 18 of the Rules of 1979, appellate authorities are prescribed. Learned Counsel further submits that the said appellate authorities as prescribed in terms of Rule 18(1)(a) to decide appeal as against the order passed by the authorities subordinate to the Government officers imposing penalties on the Government servants. Learned Counsel submits that in the instant case, the suspension order passed as against the applicant is not by way of penalty and it is passed in contemplation of the departmental enquiry in terms of Rule 4(a) of the Rules of 1979. Consequently, there is no appellate authority prescribed to hear the appeal challenging the suspension order passed in contemplation of the departmental enquiry.

4. In order to substantiate the same learned Counsel for the applicant has placed reliance on the case of **State of Maharashtra V/s. Subhash Dhondiram Mane, [2015 (4) Bom.C.R. 563]**, wherein Division Bench of the Hon'ble Bombay High Court in identical facts of the case has justified the Tribunal's order entertaining the O.A. despite not availing alternate remedy on the ground that the

impugned order of suspension has been passed for extraneous and *mala fide* reasons and by way of victimization. Learned Counsel for the applicant has addressed in brief this Tribunal the factual aspect of this case.

5. Learned CPO submits that in terms of the provisions of Rule 23 of the Rules of 1979, in case of an appeal against the order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 4 of Rules of 1979 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

6. Learned CPO submits that there is a provision to the extent of prescribing appellate authorities and also consideration of appeal by the appellate authorities and order under Rule 4 of Rules of 1979 is subjected to challenge before the said appellate authority.

7. Learned CPO submits that the applicant ought to have availed the alternate remedy by preferring departmental appeal and as such this

O.A. cannot be entertained in view of the provisions of Section 20 of the Administrative Tribunals Act, 1985.

8. So far as the submissions made by the learned Counsel on behalf of the applicant to the extent of appellate authorities by referring to provisions of Rule 18 of the Rules of 1979, I find no substance in it. Learned CPO has rightly pointed out Rule 23 of the Rules of 1979, which specifically provides the consideration of the appeal by the appellate authority if preferred against the orders passed under Rule 4 of the Rules of 1979 and having regard to the circumstances of the case order of suspension is justified or not and confirm or revoke the order accordingly. Rule 23 sub rule (i) of Rules of 1979, which is relevant in the present context is only reproduced hereinbelow:

23.Consideration of appeal :-

(1) In the case of appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 4 of these rules and having regard to the circumstances of the case, the order of

suspension is justified or not and confirm or revoke the order, accordingly.

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(3)

9. So far as the second limb of the submissions is concerned, I find much substance in it. Applicant was directly recruited as a Naib Tahsildar upon his due selection and recommendation by the Maharashtra Public Service Commission (MPSC) in the year 2011. The applicant was promoted from the cadre of Naib Tahsildar to the cadre of Tahsildar vide order dated 16-06-2021 issued by respondent no.1 and consequent to the said order of his promotion, applicant was given posting as Additional Tahsildar at Chhatrapati Sambhajinagar under respondent no.3 vide order dated 28-09-2021. Applicant had joined on the said post of Additional Tahsildar on 29-09-2021. By order dated 12-03-2024, respondent no.1 placed the applicant under suspension in exercise of the powers under Rule 4(1)(a) of the Rules of 1979 in contemplation of departmental enquiry.

10. On perusal of the impugned order of suspension, particularly the first paragraph, it appears that the applicant allegedly has not brought before the Collector, Chhatrapati Sambhajnagar the original revenue record, land position etc. in a proceeding before the Collector concerning land gut no.11, 12, 26, 37 and 42 situated at Abdi Mandi in Tq. & Dist. Chhatrapati Sambhajnagar resulting in passing of order by the Collector which was contrary to the Rules and beyond powers thereby leading to financial loss and administrative irregularities.

11. On perusal of annexures, particularly, the judgment and order passed by the Collector and Deputy Custodian of the Evacuee Property at Chhatrapati Sambhajnagar in Application No.777/2016 dated 17-10-2023, *prima facie*, I do not find any finding recorded by the Collector as against the present applicant who was impleaded as respondent no.1, the Assistant Custodian of Evacuee Property cum Additional Tahsildar, Aurangabad has not placed the relevant documents and suppressed material information.

12. On the other hand, it appears that the Collector has given directions to Additional Tahsildar, Chhatrapati Sambhajinagar to file Civil Application in Writ Petition No.990/1994 and Writ Petition No.2966/1994 pending before the Hon'ble Bombay High Court clarifying therein that prior to and on the date of passing the interim status quo order, respondent no.2 was not at all in the lawful ownership and possession of the suit land and further also directed the Additional Tahsildar to file Civil Application in Second Appeal No.111/2011 thereby pointing out the Hon'ble Bombay High Court Bench at Aurangabad that the alleged possession of the interveners over the land in gut no.37 of village Abdi Mandi is on the basis of an illegal and unlawful lease deed executed by the respondent no.2 with the prayer for vacation of the interim status quo orders passed in Civil Application No.3267/2011.

13. In the backdrop of the same, it is pertinent to note that no action has been taken by the Government as against the authority (Collector and Deputy Custodian of Evacuee Property), who has passed the said judgment and order, which is

contrary to the Rules thereby leading to the financial losses and administrative irregularities.

14. In view of the factual position as above, *prima facie*, it appears that, the action of suspension has been used for *mala fide* purpose with ulterior motive and by way of victimization. In the case of **State of Maharashtra V/s. Subhash Dhondiram Mane, [2015 (4) Bom.C.R. 563]**, relied upon by the learned Counsel for the applicant, Division Bench of the Hon'ble Bombay High Court in paragraph 9, 11, 16 has made following observations:

9. The first contention raised on behalf of the Petitioner State is that the Tribunal ought not to have entertained the Original Application in view of the alternate remedy available to the Respondent. Reliance was placed by Mr.Sakhare, on Section 20(1) and (2) of the Administrative Tribunals Act,1985. According to Mr. Sakhare, as per Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, a remedy of appeal against the order of suspension has been provided. Mr.Sakhare submitted that the reason given by the Respondent for not availing of this remedy that since the order is passed in concurrence of the Chief Minister and therefore no appellate authority will give a decision against him, is an untenable reason. He submitted therefore that the discretion used by the Tribunal in entertaining the application was

improper and therefore the order be set aside. We do not find any merit in this submission. Section 20(1) of the Administrative Tribunal Act does not place an absolute embargo on the Tribunal to entertain an application if alternate remedy is available. It only states that the Tribunal shall not ordinarily entertain application unless the Tribunal is satisfied that the applicant has availed the alternate remedy. This phraseology itself indicates that in a given case the Tribunal can entertain an application directly without relegating the applicant to the alternate remedy. In the present case, the Tribunal has found, on examination of various peculiar facts and circumstances, that, it will be futile to drive the Respondent to an alternate remedy. The Tribunal found that the order of suspension was based on the same grounds as the order of transfer, which was stayed and the order of suspension was an act of victimization. Having convinced that strong case for entertaining an application was made out, the Tribunal entertained the application. It was within the discretion of the Tribunal to do so. No absolute bar was shown, neither it exists. We are not inclined, at this stage, to accede to the submission of Mr.Sakhare, and set aside the impugned order on this ground alone.

10.

11. *If the above grounds are available for an employee to challenge the order of suspension and he agitates the same in his application to the Tribunal, it is necessary for the Tribunal to examine, prima facie, the case against such applicant. For consideration of the contention that the order of suspension is vitiated by*

malice, ulterior motive or that no strong prima facie case exists, it is necessary for the Tribunal to consider the factual matrix in that context. The decision in the case of District Forest Officer (supra) relied upon by Mr.Sakhare was in respect of challenge to a chargesheet and in that context the Apex Court observed that the merits of the charges would be considered at the time of the enquiry. In the case of Chandrakant Kale (supra), the Division Bench of this Court was considering the case of an employee who was dismissed from service after holding an enquiry and the period of suspension was not to be treated as duty period. When the order of suspension was put into issue, the Division Bench found that no failure of justice had occasioned as the Petitioner had a fair and reasonable opportunity to reply to the chargesheet and contest and participate in the enquiry. The facts of this case are totally different from the case at hand. The Tribunal thus, to our mind, rightly considered the factual aspect to ascertain whether the challenge raised by the Respondent fell under the available heads of challenge. The Tribunal was justified in looking at the material to find out whether the grounds of malafide and victimization made out by the Respondent were justified.

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16. *We have to also keep in mind that, we are not testing the validity of the order of*

suspension at the first instance. This exercise has been undertaken by the Administrative Tribunal. The Petitioner State has invoked our jurisdiction under Article 226 of the Constitution of India, which is limited to see if there is patent illegality or perversity in the order challenged and if there is any gross failure of justice. As regard equity and failure of justice is concerned, the question of suspension of the Respondent is only relevant for next 30 days or so, as the Respondent will retire on superannuation on 30 December 2014. The Petitioner State has made a statement that an enquiry will be initiated soon which, it appears, will continue beyond the date of superannuation. If the Respondent is found guilty, he will be dealt with accordingly. Therefore, the Respondent is not going scotfree. The question is whether we should set aside the order of the Tribunal at this stage and place the Respondent under suspension. The Tribunal has rightly noted that the charges are such that the Respondent is not likely to tamper with the evidence nor influence any witness. There is no charge of misappropriation against the Respondent. It is not that the orders passed by the Respondent in office are immune from correction. The actions of the State Government as an employer must be fair and reasonable in respect of its employees.

15. It is true that, the Tribunal shall not ordinarily entertain an application unless the Tribunal is satisfied that the applicant has availed alternate remedy. *Prima facie*, it appears that the order of

suspension is an act of victimization. In my considered opinion, the applicant has made out a strong case for entertaining the present application.

I am fortified with the view expressed by the Division Bench of the Hon'ble Bombay High Court. Considering the above facts and circumstances, following order is passed:

ORDER

16. Therefore, O.A. be registered and numbered in accordance with law after removal of office objections, if any. On registration of O.A., issue notice to respondents, returnable on 30-04-2024. **Till next date of hearing, interim relief in terms of prayer clause "E)" is granted, which is thus:**

"E) Pending the admission, hearing and final disposal of this Original Application the effect and operation of the impugned order of suspension of the applicant dated 12/03/2024 (Annex. A-2) issued by Resp. No.1 may kindly be stayed."

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

18. 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.

19. 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.

20. 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.

21. S.O. to 30-04-2024.

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

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 590/2024
(Arjun Mahadu Lakwal Vs. State of Maharashtra & Ors.)

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

DATE : 19.03.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The Office has raised an objection that the applicant has not filed departmental appeal before the higher authority under Rule 17(i) of the Maharashtra Civil Services (Discipline & Appeal) Rules 1979 (hereinafter referred to as “the Rules of 1979” for short).

3. However, reference to Rule 17 of the Rules of 1979, is inappropriate and unwarranted. In terms of Rule 3 of the Rules of 1979, the Discipline and Appeal Rules are not applicable to an Inspector of Police or a member of the subordinate ranks of Police as defined in Clause (16) of Section 2 of the Bombay Police Act, 1951. However, in terms of Section 27 of the Maharashtra Police Act, an appeal against any order passed against a Police Officer

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O.A. St. 590/2024

under Section 25 or the Rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may be general or special order specify. Thus the objection as raised by the office is considered in terms of the provisions of Section 27 as aforesaid.

4. Learned counsel for the applicant submits that the applicant was initially appointed on the post of Police Constable on 21.07.2014 and the applicant is presently working as Police Constable with the respondent No. 4. On 19.02.2024, the applicant was allotted the duties as Guard on Government vehicle in Platoon No. 2 at Mumbai fix point security along with C Company. On 19.02.2024 at 9.00 a.m. to 20.02.2024 at 9.00, the applicant was allotted the Guard duty of Government vehicle, in which weapons and ammunition were kept. On that day, the Platoon No. 2 was allotted the duties of Shivjayanti security at Malad Police Station at 19.00 to 21.00 hours and during that time Police Constable Shri Padalwar, who was mentally disordered found sitting in the said vehicle. It is alleged that the applicant has not looked into the

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O.A. St. 590/2024

said aspect and because of his negligence; the said Police Constable Padalwar sat in the vehicle.

5. Learned counsel for the applicant submits that as per the explanation submitted by the applicant the said Mr. Padalwar was a Guard Commander and therefore, the applicant being Police Constable has obeyed the directions. The applicant had not prevented Mr. Padalwar, Guard Commander to sit in the Government vehicle, as he is senior to him. Learned counsel submits that on the basis of the same, the impugned suspension order dated 09.03.2024 came to be issued by respondent No. 4. Learned counsel submits that the suspension order is issued with *mala-fide* intention. The applicant has not played any role in the alleged incident. The applicant has been made scapegoat. Learned counsel submits that the action of suspension has been used for *mala fide* purpose with ulterior motive and by way of victimization. Learned counsel submits that there is no absolute embargo on the Tribunal to entertain the O.A., if alternate remedy is available. It will be futile to drive the Respondent to an alternate remedy. Thus this

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Tribunal can entertain the present Original Application.

6. Learned Chief Presenting Officer submits that the alternate efficacious remedy is available to the applicant by way of filing appeal as provided under Section 27 of the Maharashtra Police Act. Thus the present Original Application may not be entertained.

7. In view of the factual position as above, *prima facie*, it appears that, the action of suspension has been used for *mala fide* purpose with ulterior motive and by way of victimization. In the case of **State of Maharashtra V/s. Subhash Dhondiram Mane, [2015 (4) Bom.C.R. 563]**, relied upon by the learned Counsel for the applicant, Division Bench of the Hon'ble Bombay High Court in paragraph 9, 11, 16 has made following observations:

“9. The first contention raised on behalf of the Petitioner State is that the Tribunal ought not to have entertained the Original Application in view of the alternate remedy available to the Respondent. Reliance was placed by Mr.Sakhare, on Section 20(1) and (2) of the Administrative Tribunals Act,1985. According to Mr. Sakhare, as per Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules,

//5// O.A. St. 590/2024

1979, a remedy of appeal against the order of suspension has been provided. Mr.Sakhare submitted that the reason given by the Respondent for not availing of this remedy that since the order is passed in concurrence of the Chief Minister and therefore no appellate authority will give a decision against him, is an untenable reason. He submitted therefore that the discretion used by the Tribunal in entertaining the application was improper and therefore the order be set aside. We do not find any merit in this submission. Section 20(1) of the Administrative Tribunal Act does not place an absolute embargo on the Tribunal to entertain an application if alternate remedy is available. It only states that the Tribunal shall not ordinarily entertain application unless the Tribunal is satisfied that the applicant has availed the alternate remedy. This phraseology itself indicates that in a given case the Tribunal can entertain an application directly without relegating the applicant to the alternate remedy. In the present case, the Tribunal has found, on examination of various peculiar facts and circumstances, that, it will be futile to drive the Respondent to an alternate remedy. The Tribunal found that the order of suspension was based on the same grounds as the order of transfer, which was stayed and the order of suspension was an act of victimization. Having convinced that strong case for entertaining an application was made out, the Tribunal entertained the application. It was within the discretion of the Tribunal to do so. No absolute bar was shown, neither it exists. We are not inclined, at this stage, to accede to the submission of Mr.Sakhare, and set aside the impugned order on this ground alone.

10.

11. *If the above grounds are available for an employee to challenge the order of suspension and he agitates the same in his application to the Tribunal, it is necessary for the Tribunal to examine, prima facie, the case against such applicant. For consideration of the contention that the order of suspension is vitiated by malice, ulterior motive or that no strong prima facie case exists, it is necessary for the Tribunal to consider the factual matrix in that context. The decision in the case of District Forest Officer (supra) relied upon by Mr.Sakhare was in respect of challenge to a chargesheet and in that context the Apex Court observed that the merits of the charges would be considered at the time of the enquiry. In the case of Chandrakant Kale (supra), the Division Bench of this Court was considering the case of an employee who was dismissed from service after holding an enquiry and the period of suspension was not to be treated as duty period. When the order of suspension was put into issue, the Division Bench found that no failure of justice had occasioned as the Petitioner had a fair and reasonable opportunity to reply to the chargesheet and contest and participate in the enquiry. The facts of this case are totally different from the case at hand. The Tribunal thus, to our mind, rightly considered the factual aspect to ascertain whether the challenge raised by the Respondent fell under the available heads of challenge. The Tribunal was justified in looking at the material to find out whether the grounds of malafide and victimization made out by the Respondent were justified.*

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O.A. St. 590/2024

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16. *We have to also keep in mind that, we are not testing the validity of the order of suspension at the first instance. This exercise has been undertaken by the Administrative Tribunal. The Petitioner State has invoked our jurisdiction under Article 226 of the Constitution of India, which is limited to see if there is patent illegality or perversity in the order challenged and if there is any gross failure of justice. As regard equity and failure of justice is concerned, the question of suspension of the Respondent is only relevant for next 30 days or so, as the Respondent will retire on superannuation on 30 December 2014. The Petitioner State has made a statement that an enquiry will be initiated soon which, it appears, will continue beyond the date of superannuation. If the Respondent is found guilty, he will be dealt with accordingly. Therefore, the Respondent is not going scotfree. The question is whether we should set aside the order of the Tribunal at this stage and place the Respondent under suspension. The Tribunal has rightly noted that the charges are such that the Respondent is not likely to tamper with the evidence nor influence any witness. There is no charge of misappropriation against the Respondent. It is not that the orders passed by the Respondent in office are immune from correction. The actions of the State Government as an employer must be fair and reasonable in respect of its employees.*

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O.A. St. 590/2024

8. It is true that, the Tribunal shall not ordinarily entertain an application unless the Tribunal is satisfied that the applicant has availed alternate remedy. *Prima facie*, it appears that the order of suspension is an act of victimization. In my considered opinion, the applicant has made out a strong case for entertaining the present application.

I am fortified with the view expressed by the Division Bench of the Hon'ble Bombay High Court. Considering the above facts and circumstances, following order is passed:

ORDER

(i) Therefore, O.A. be registered and numbered in accordance with law after removal of office objections, if any. On registration of O.A., issue notice to respondents, returnable on 30-04-2024. **Till next date of hearing, interim relief in terms of prayer clause X(D) is granted, which is thus:**

“D) Pending hearing and final disposal of the present Original Application, the impugned suspension order dtd. 09.03.2024 issued by respondent no. 4, thereby placing the applicant under suspension from the post of Police Constable may kindly be stayed and the applicant be permitted to work on the post of Police Constable.”

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O.A. St. 590/2024

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 30-04-2024.

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

MEMBER (J)