

**ORIGINAL APPLICATION NO.766/2016
(Rambhau Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent no.1.

2. Smt. Anita Shelke learned Advocate for respondent nos.2 and 3 has appeared today and states that she will file Vakalatnama on next date.

3. On the request of learned Advocate for the respondent nos.2 and 3, S.O. to 27-10-2021.

MEMBER (A)

YUK ORAL ORDERS 20.10.2021

**ORIGINAL APPLICATION NO.158/2021
(Pravin Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Smt. Rakhi V. Sundale, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has accepted the interpretation that the GAD notification of Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 does not apply to the family of deceased employee whose dependent is seeking employment on compassionate ground rather it is applicable to the candidate who is seeking such employment. She also accepts that clause 6 of Annexure-I, Government Resolution No.अकंपा/प्र.क्र. १०२/आठ dated 21-09-2017 has no mention of phrase of "small family". Therefore, its definition coming in force w.e.f. 20th March, 2005 does not affect enforceability of the G.R. dated 21-09-2017. However, she has further submitted that she has already applied to the authorities in Police Department for getting copy of "Police Gazette" dated 24-11-2003 referred to by her at paragraph 11, page 5 of the paper book of this O.A. She has also cited judgment dated 27.09.2019 of the Principal Bench of the Tribunal at Mumbai in O.A.No.293/2017, which states that similar

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benefits can be granted to the applicant in O.A. With this, learned Advocate for the applicant has completed her arguments assuring that she will get the copy of said "police gazette" before 29th October, 2021.

3. Learned P.O. has also argued that it is G.R. of 21st September, 2017 which provides that family of the deceased employee who has more than 2 children is not eligible for benefit under the scheme of compassionate appointment.

4. **S.O. to 29.10.2021** for submission of copy of police gazette by the learned Advocate for the applicant.

MEMBER (A)

YUK ORAL ORDERS 20.10.2021

**ORIGINAL APPLICATION NO.445/2020
(Narsing Mudiraj Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.B.Dhage, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned CPO seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 16.11.2021.

MEMBER (A)

YUK ORAL ORDERS 20.10.2021

**ORIGINAL APPLICATION NO.456/2020
(Parvatibai Mali Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.B.Dhage, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned CPO seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 16.11.2021.

MEMBER (A)

YUK ORAL ORDERS 20.10.2021

**ORIGINAL APPLICATION NO.113/2021
(Vaijinath Navande Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned PO seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. Interim relief granted earlier to continue till then.
4. S.O. to 16.11.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.396/2021
(Vilas Nikam Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply on behalf of the respondent nos.1 and 2. It is taken on record. Copy thereof has been served on the other side.

3. Learned Advocate for the applicant submits that he does not wish to file affidavit in rejoinder.

4. Pleadings are complete. Matter is admitted. It may be placed for final hearing on the next date.

5. S.O. to 18.11.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.541/2021
(Dr. Mangesh Ghodke Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Shri J.S.Deshmukh, learned Advocate for the applicant is **absent**. Shri S.K.Shirse, learned Presenting Officer for the respondents is present.

2. Service affidavit of notice on the respondents is not yet filed on record. Learned Advocate for the applicant to take steps in the matter.

3. S.O. to 22.11.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.548/2021
(Rajendra Gunjal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri A.T.Jadhavar, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. Learned P.O. submits notification received from respondent no.3 addressed to the office of learned CPO seeking time of six weeks' to file affidavit in reply. However, respondent nos.1 and 2 have also not submitted their affidavit in reply, instead respondent no.2 has cancelled transfer order of the applicant who is not able to join at his original place of posting for the reason that somebody else is posted there and has joined also. Resultantly, original applicant is without posting and he claims waiting period. Every single day's delay on the part of the respondent nos.1 and 2 in filing affidavit in reply will result into financial loss of the Government for which this Tribunal may be constrained to impose penalty on respondent no.2 for delay in filing the reply.

3. S.O. to 24.11.2021.

MEMBER (A)

M.A.NO.417/2018 IN O.A.ST.NO.1785/20188888
(Dangal Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Learned P.O. has submitted a set of documents marked as "X" for identification in compliance with the Tribunal's order dated 05-08-2021, copy of which is shared with the learned Advocate for the applicant. Time is granted.

3. S.O. to 24.11.2021.

MEMBER (A)

YUK ORAL ORDERS 20.10.2021

M.A.NO.331/2021 IN O.A.NO.468/2021
(Vandana Bhumkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. Arguments are heard. M.A. is closed for order.

MEMBER (A)

YUK ORAL ORDERS 20.10.2021

ORIGINAL APPLICATION NO.398/2018
(Dnyaneshwar Sanap Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. This matter was part heard on 06-10-2021. Learned P.O. is assisted by Shri Vikas T. Shinde, Sub Divisional Engineer, Sangamner Irrigation Sub Division, Sangamner. Learned P.O. had assured to produce log book for wireless equipments so as to assist the Tribunal to know whether the applicants had worked as Wireless Operators. In response to it Shri Vikas Shinde, Sub Divisional Engineer, Sangamner Irrigation Sub Division, Sangamner has produced register titled as “गोदावरी मराठवाडा पाटबंधारे विभाग, कार्यकारी अभियंता अहमदनगर पाटबंधारे विभाग, पाण्याची मासीक नोंदवही रजिस्टर, विभाग अ.पा.वि. उपविभाग संगमनेर पाटबंधारे उपविभाग, संगमनेर, माहे जुन २००४ ते माहे मे २००५ पर्यंत चे रजिस्टर.” However, this register does not have any details of persons who have worked for reporting water levels etc. through wireless equipment and it is submitted by the learned P.O. that this register does not show any details of the persons, even to suggest as to why certain names were recommended.

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O.A.NO.398/2018

3. Reference is drawn to Annexure A-1, paper book page 18-24 which had been written by Deputy Executive Engineer, Ahmednagar Irrigation Division addressed to Superintending Engineer and Administrator, CADA, Nashik dated 16-01-2012 in which applicant's names are appearing at Sr. No.5 and Sr. No.34 and the two names have been recommended for granting benefits under the scheme "designation as per work and wages as per designation"

4. Learned P.O. wishes to seek instructions from the respondents as to at which level of office scrutiny the names of two applicants were deleted and also produce copy of scrutiny sheet in that regard on the next date.

5. S.O. to 23-11-2021.

MEMBER (A)

YUK ORAL ORDERS 20.10.2021

ORIGINAL APPLICATION NO.372/2020
(Ramsingh Chavan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant cited bunch of orders marked as Annexure A-2 (paper book page 15-22) stating that applicants were absorbed on the post of Regular Vehicle Driver after they worked for number of years on the post of Emergency Vehicle Driver. Therefore, they are not governed by the provisions of Transfer Act as Police Constabulary and they cannot be transferred as per transfer order dated 24-04-2020 and further order at Annexure A-5 and these two orders require to be quashed and set aside.

3. On the other hand, learned P.O. cites these scheme of things mentioned in affidavit in reply specially in respect of various paragraphs of affidavit in reply and Annexures evidencing appointment of all the applicants as armed police constables who have been receiving rifle allowance till date and also have been engaged in bandobast duties and imparted various trainings during the intervening period which have been recorded in their service records. As per his submission, there is no separate cadre of motor vehicle driver as per the decision taken by the Director

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O.A.NO.372/2020

General of Police in the year 2008 which is evidenced by Circular issued by then Additional Director General (Training and Special Squad), Maharashtra State, Mumbai by which it is stated that:

“पोलीस महासंचालक यांच्या आदेशान्वये यापुढे चालक पोलीस शिपाई पदाची भरती करण्यात येणार नाही, असे या कार्यालयाचे पत्र क्र. प्रशि/पोलीस भरती/मार्गदर्शक/पोशि/२००८/१८०८. दि. ३/४/२००८ अन्वये सर्व घटक प्रमुखांना कळविण्यात आले आहे.

4. However, he seeks time to get instructions to clarify significance of various terminology used such as “संकटकालीन मोटर चालक” and “नियमीत मोटर चालक” and their feeder cadres and service conditions etc. He also sought time to explain what does opening sentence of circular no. क्र. प्रशि/३/बीटीसी/वा.चा./२००८/२०४८. दि. १६/४/२००८ means by statement that “यापुढे चालक पोलीस शिपाई पदाची भरती करण्यात येणार नाही.” It is important to ascertain whether the motor vehicle driver is a dying cadre. If that is not so then it is pertinent to get clarification as to how recruitment/intake is made on the post of motor vehicle driver. It may either by recruitment from cadre of “emergency vehicle driver” or only from driving license holder constabulary.

5. Learned P.O. to incorporate the above points while advancing his arguments.

6. S.O. to 16.11.2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 569 OF 2018
(Prashant A. Bonge Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Shri S.S. Ware, learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 414 OF 2018
(Vranda P. Sadgure Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 613 OF 2018
(S.D. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

O.A. No. 414/2018

Heard Shri V.B. Wagh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for respondent Nos. 1 to 3 and Ms. Preeti R. Wankhade, learned Advocate for respondent No. 4.

O.A. No. 613/2018

Heard K.S. Kadarle, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for respondent Nos. 1 to 3 and Shri A.S. Deshmukh, learned Advocate for respondent No. 4.

2. Shri B.S. Deokar, learned Presenting Officer submits that he has not yet received instructions from the respondents as regards the position of vacancy, if any out of selection process of 2015 i.e. advertisement No. 71/2015 and seeks time. Time granted.

2 S.O. to 28.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 845 OF 2017
(Rambhau L. Kuskar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 137 OF 2017
(Namdeo S. Arsale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for complying the directions issued by this Tribunal by order dated 4.10.2021. Short time is granted.

3. S.O. to 17.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

M.A.NO. 64/2021 IN O.A.ST.NO. 1234/2020
(Prabhakar B. Bush Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned Advocate for the applicant and Shir I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

M.A.NO. 63/2021 IN O.A.NO. 1065/2019
(Dr. Jahagirdar Dastagir Nizam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted as a last chance.

3. S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 456 OF 2021
(Sunil N. Jahagirdar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 1. Time granted.

4. S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 312 OF 2021
(Subodh B. Dhonde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.N. Shelke, learned Advocate holding for Shri Avinash S. Khedkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 485 OF 2020
(Vijay S. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 6.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 26 OF 2019
(Vinod S. Muley Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer submits that she would seek necessary instructions from respondent No. 1 about the proposal of withdrawal of departmental enquiry pending before the respondent No. 1. Time granted.

3. S.O. to 30.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

C.P.NO. 10/2021 IN O.A.NO. 763/2019
(Gangadhar Anna Kakade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 18.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 530 OF 2021
(Priya R. Awhad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, S.O. to 26.10.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

M.A.NO. 187/2021 IN O.A.ST.NO. 1096/2020
(Rakesh S. Kapdne Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 3.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 363 OF 2021
(Ganesh D. Nikam Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Avinash A. Khande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed communication dated 17.10.2021 received by him from the applicant. It is taken on record and marked as document 'X Colly.' for the purpose of identification.

3. In view of the aforesaid document, learned Advocate for the applicant seeks permission of this Tribunal to withdraw the present Original Application stating that the grievance of the applicant is redressed.

4. Permission granted. Withdrawal is allowed. Accordingly, the present Original Application stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 281 OF 2021
(Kusum M. Bhise & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned Advocate for the applicants, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 3, Shri V.A. Bagadiya, learned Advocate for respondent No. 4 and Shri A.G. Vasmatkar, learned Advocate for respondent No. 5.

2. Learned Advocate for respondent No. 5 has filed affidavit in reply on his behalf and the same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 30.11.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 280 OF 2021
(Laxman H. Garud & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent No. 5. None appears for respondent No. 4.

2. Learned Advocate for respondent No. 5 submits that he is adopting affidavit in reply filed on behalf of respondent Nos. 1 to 3.

3. At the request of learned Advocate for the applicant, S.O. to 30.11.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 176 OF 2021
(Ganesh B. Gambhire Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri B.V. Thombre, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 6.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 232 OF 2020
(Ku. Rohini N. Charole Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Ms. Megha Y. Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 & 5.

2. Learned Advocate for the applicant has filed rejoinder affidavit and the same is taken on record and copy thereof has been served on the learned Presenting Officer for the respondents.

3. S.O. to 6.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 93 OF 2020
(Smt. Jayshree S. Tusamkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Shri M.S. Choudhary, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, present.

2. Since nobody appears for the applicant, S.O. to 3.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

ORIGINAL APPLICATION NO. 1029 OF 2019
(Suraj S. Bavat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Shri M.S. Choudhary, learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent No. 4, are present.

2. Since nobody appears for the applicant, S.O. to 3.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 686 OF 2019
(Brijlal Hiranman Bibe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing additional affidavit in reply. Time granted.

3. S.O. to 30.11.2021.

MEMBER (A)

MEMBER (J)

C.P.NO. 12/2021 IN O.A.NO. 2/2019
(Tukaram R. Bhojane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Shri V.M. Maney, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted as a last chance.

3. S.O. to 30.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Shri Girish N. Kulkarni, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

C.P.No. 16/2020 IN O.A.NO. 886/2018
(Baliram D. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Shri Girish N. Kulkarni, learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 14.10.2021-HDD

O.A.NOS. 272 TO 283 ALL OF 2020
(Umesh L. Dargode & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases.

2. Learned Advocate for the applicants submits that in some of the cases rejoinder affidavit has already been filed by the respective applicants. However, in some of the cases rejoinder affidavit is not filed by the applicants as they do not wish to file the same.

3. In view of the above, in present cases pleadings are complete. The present cases are relating to appointment. The same are admitted and fixed for final hearing.

4. S.O. to 7.12.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 91 OF 2020
(Shyam K. Bhavsar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3 & 5. Time granted.

3. S.O. to 24.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 461 OF 2021
(Dr. Madhav B. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 23.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 460 OF 2021
(Dr. Narayan G. Lokade Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer placed on record a copy of communication dated 21.09.2021. Same is taken on record and marked as document "X" for the purpose of identification.

3. At the request of learned Advocate for the applicant, S.O. to 27.10.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 533 OF 2021
(Diwakar M. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

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

2. Await service of notice on respondent No. 1.
3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 2 & 3. Time granted.
4. S.O. to 17.11.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

Review St. 1217/2019 in O.A. No. 63/2015
(The Superintending Engineer and Administrator Command Area
Development Authority Vs. Saylu P. Nawod & Ors.)

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

DATE : 20.10.2021

ORAL ORDER :

Heard Shri S.B. Mene, learned Advocate for the applicant in Review Application, Shri K.B. Jadhva, learned Advocate holding for Shri S.D. Joshi, learned Advocate for respondent No. 1 in Review Application / applicant in O.A. and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 2 to 6.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 2 to 6 in Review Application. Time granted.

3. S.O. to 17.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 141 OF 2020
(Anil D. Sanap Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

Shri S.B. Solanke, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents stating that para-wise remarks are sent for approval. Time granted as one more last chance.

3. S.O. to 15.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 201 OF 2021
(Vasant G. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 22.11.2021 for filing rejoinder affidavit.

MEMBER (J)

KPB ORAL ORDERS 20.10.2021

**ORIGINAL APPLICATION NO. 410 OF 2021
(Tulshiram D. Bakle Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

Heard Shri L.R. Kardile, learned Advocate holding for Shri K.A. Ingle, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 22.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 438 OF 2021
(Sambhaji K. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent No. 1.

2. Learned Advocate Shri A.S. Mirajgaonkar, holding for Shri C.V. Dharurkar, submits that he has received instruction from No. 2 to appear on their behalf and he will file **Vakalatnama** on behalf of respondent No. 2 on the next day.

3. Learned Presenting Officer for respondent No. 1 and learned Advocate for respondent No. 2 seek time for filing affidavit in reply. Time granted.

4. S.O. to 29.10.2021.

MEMBER (J)

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

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

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 17.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 252 OF 2020
(Harikishan D. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 20.10.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent No. 4. Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 1 to 3, **absent**.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3 and 4.

3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

4. Pleadings are complete. The matter is pertaining to recovery and pensionary benefits. Hence, the present O.A. is admitted and it is fixed for final hearing on 18.11.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 347 OF 2020
(Jitendra B. Raipure Vs. State of Maharashtra & Ors.)

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

DATE : 20.10.2021

ORAL ORDER :

Heard Smt. Asha N. Gore, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is filed on behalf of respondents.

3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

4. Pleadings are complete. The matter is pertaining to recovery of Govt. Quarter. Hence, the present O.A. is admitted and it is fixed for final hearing on 18.11.2021.

MEMBER (J)

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

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

DATE : 20.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 23.11.2021.

MEMBER (J)

**M.A. No. 456/2019 in O.A. St. No. 1749/2019
(Sandip V. Ganage Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Govind B. Chate, learned Advocate holding for Shri S.R. Andhale, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri K.B. Jadhav, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent No. 4.

2. At the request of learned Advocate for the applicant, S.O. to 17.11.2021.

MEMBER (J)

KPB ORAL ORDERS 20.10.2021

M.A. No. 515/2019 in O.A. No. 834/2019
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)

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

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 3. Shri G.N. Patil, learned Advocate for respondent No. 2, absent.

2. As none present for respondent No. 2, S.O. to 16.11.2021.

MEMBER (J)

KPB ORAL ORDERS 20.10.2021

**ORIGINAL APPLICATION NO. 711 OF 2018
(Sanjay N. Nade Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 22.11.2021 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 263 OF 2021
(Ravindra M. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 20.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 16.11.2021 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO.192 OF 2021
(Suresh B. Lande Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 22.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.10.2021-SAS

**ORIGINAL APPLICATION NO.252 OF 2021
(Arati A. Ghatkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Sunil B. Kakade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 22.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.638 OF 2018
(Rajkumar D. Barwal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 18.11.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.666 OF 2018
(Laxmi S. Gadge Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 30.11.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.927 OF 2018
(Shamrao N. Kadam & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Vilas P. Savant, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 08.12.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.01 OF 2019
(Laxman V. Bharde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 02.12.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.10.2021-SAS

**M.A.NO.443/2019 WITH O.A.NO.335/2019
(Hanumant V. Patil & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicants in present M.A./respondent Nos. 4 & 5 in O.A., Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 to 3 and Shri S.V. Bhopi, learned Advocate holding for Shri V.R. Dhorde, learned Advocate for the respondent No.4 in the present M.A./applicant in O.A.

2. By consent of parties, S.O. to 17.11.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.10.2021-SAS

**ORIGINAL APPLICATION NO.870 OF 2019
(Dr. Devrao S. Dakhure Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 17.11.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.55 OF 2020
(Bhagwan D. Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

Heard Smt. A.M. Bhangre, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 30.11.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**T.A.NO.01/2021 IN W.P.NO.4908/2021
(Shivaji T. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 20.10.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos.1 & 2, Shri V.D. Sapkal, learned Senior Counsel with Shri Pandurang Gaikwad and Shri Bhalchandra Shinde, learned Counsel holding for Shri Ujjawal S. Patil, learned Special Counsel for the respondent Nos.3 to 5 and Shri C.V. Dharurkar, learned Advocate for the Respondent Nos.6 to 8.

2. By consent of parties, S.O. to 21.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.10.2021-SAS

**M.A.NO.337/2021 IN M.A.NO.309/2021 IN T.A. 2/2021
(W.P.NO.2612/2021)
(Pratibha S. Ingle Vs. State of Maharashtra & Ors.)**

WITH

**M.A.NO.305/2021 IN M.A.NO.309/2021 IN T.A. 2/2021
(W.P.NO.2612/2021)
(The State of Maharashtra & Ors. Vs. Samiksha R.
Chandrakant & Anr.**

WITH

**M.A.NO.310/2021 IN M.A.NO.309/2021 IN T.A. 2/2021
(W.P.NO.2612/2021)
(Samiksha R. Chandrakar & Anr. Vs. State of
Maharashtra & Ors.)**

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 20.10.2021

ORAL ORDER :

M.A.NO.337/2021 IN M.A.NO.309/2021 IN T.A. 2/2021

Heard Shri V.D. Sapkal, learned Senior Counsel holding for Shri Ujjawal S. Patil, learned Special Senior Counsel with Shri Pandurang Gaikwad and Shri Bhalchandra Shinde, learned Counsels for the applicant in present M.A., Shri Ajay S. Deshpande, learned Advocate for the respondent no.1/applicant in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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M.A.NO.305/2021 IN M.A.NO.309/2021 IN T.A. 2/2021

Heard Shri Ram Apte/Shri M.S. Mahajan, learned Special Counsel and learned Chief Presenting Officer for applicants in M.A.No.305/2021 & Shri Ajay Deshpande, learned Advocate for the respondents in present M.As./applicants in T.A. in M.A.305/2021.

M.A.NO.310/2021 IN M.A.NO.309/2021 IN T.A. 2/2021

Heard Shri V.D. Sapkal, learned Senior Counsel holding for Shri Ujjawal S. Patil, learned Special Senior Counsel with Shri Pandurang Gaikwad and Shri Bhalchandra Shinde, learned Counsels for the applicants in M.A.(respondent Nos.5 to 10 in T.A.), shri Ram Apte/Shri M.S. Mahajan, learned Special Senior Counsel and learned Chief Presenting Officer for applicants in M.A.(respondent Nos.1 to 4 in T.A.) and Shri Ajay S. Deshpande, learned Advocate for the respondent Nos.5 & 6 in M.A..

2. Learned Advocate for the original applicant at the outset submits that the Respondent-State, as well as, the private Respondents have preferred Transfer Application before the Hon'ble Principal Bench of This Tribunal at Mumbai for seeking transfer of T.A.02/2021 (W.P.No.2612/2021), as well as, T.A.No.01/2021 (W.P. No. 4908/2021). In case of T.A.No.01/2021, the Transfer

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Application numbered as M.A.No.374/2021 is preferred by Respondent-State and M.A.No.384/2021 is preferred by private Respondents.

3. So far as the T.A.No.02/2021 is concerned, the Transfer Application preferred by Respondent-State is bearing M.A.No.375/2021 and Transfer Application preferred by private Respondent is M.A.No.379/2021.

4. Learned Special counsel for the State-Respondent and private Respondents respectively concedes pendency of these Misc. Applications. Replies are filed in these Misc. Applications and the applications are pending for hearing.

5. Respective learned counsel in T.A.No.01/2021 and T.A.No.02/2021 submit that the Respondents have to make clear as to whether they want to proceed either with these matters or the Transfer Applications pending before the Hon'ble Chairperson.

6. Respective learned counsel for the State and private Respondents submit that till date no order of transfer is passed and therefore, they are proceeding with the hearing of M.A. made by them for vacating interim stay. They also submitted that there is urgency in the matters.

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7. Learned Advocate for the Original Applicant submitted that the Respondents cannot proceed with hearing for these applications for vacating interim stay.

8. Learned Advocate for the Original Applicant in T.A.2/2021 submits that the order of interim relief is flouted by Respondent-State and therefore, the Applicant has made Misc. Application No.309/2021 for striking of defense in T.A.No.02/2021.

9. Learned Advocate for the Original Applicant further submits that in M.A.No.305/2021, the private Respondent Nos.5 to 10 are not joined as party Respondents. He submits that in affidavit-in-reply he has raised objection. He further submits that there is defect in the Misc. Application.

10. If the original applicant has raised objection about it, M.A.No.305/2021 can always be at the risk of costs and consequences, who made this application.

11. Considering the rival submissions as above, we find that ad-interim relief in T.A.No.2/2021 is extended from time to time. Hence, otherwise also we have to hear the parties on it's continuation. In this case, M.A.No.305/2021 and M.A.No.310/2021 are made for vacating the interim order. Hence, it would be just and

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necessary to allow the Respondent-State and Private Respondents who made these applications to advance their arguments. We, therefore, proceed to hear both these Misc. Application Nos.305/2021 and 310/2021.

12 We have heard at length the arguments advanced by learned Counsel for the Respondents and learned Special Counsel for private Respondents in M.A.No.305/2021 and in M.A.No.310/2021.

13. By consent of parties, S.O. to 21.10.2021. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 20.10.2021-SAS

DATE : 20.10.2021

ORIGINAL APPLICATION NO. 644 OF 2021

(Dilip B. Wani Vs. The State of Maharashtra & Ors.)

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

1. Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 22.11.2021. The case be listed for admission hearing on **22.11.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 20.10.2021

M.A. No. 164/2021 in O.A. St. No. 580/2021

(Nilesh S. Salve Vs. The State of Maharashtra & Ors.)

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

1. Shri Dipesh D. Pande, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 22.11.2021. The case be listed for admission hearing on **22.11.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR