

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

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri A.S. Avhad, learned counsel holding for Shri S.R. Kedar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, issue fresh notice to respondent Nos. 1 & 4, returnable on 19.08.2024. Learned counsel has assured that he would furnish the correct address of respondent No. 4.

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 19.08.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 159 OF 2023
(Vinayak U. Banchod Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 30.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 387 OF 2021
(Shankar B. Ghogare Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.V. Thombre, 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, time is granted for filing amendment application, if any.

3. S.O. to 02.07.2024 for hearing.

MEMBER (J)

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

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, 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 as last chance for filing rejoinder affidavit.

3. S.O. to 01.07.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 398 OF 2024
(Rajesh G. Polkamwad Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri V.D. Patnoorkar, 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 08.07.2024. Status quo granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 199 OF 2024
(Jeeva K. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri R.B. Ade, learned counsel for respondent No. 3, are present.

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

3. S.O. to 22.07.2024.

MEMBER (J)

Later on :-

4. Shri K.G. Salunke, learned counsel for the applicant, is present.

5. S.O. to 10.07.2024 for filing affidavit in reply, as a last chance.

MEMBER (J)

ORIGINAL APPLICATION NO. 279 OF 2022
(Sheshrao R. Kharate Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1, 2 & 4. Time granted.

3. S.O. to 09.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 371 OF 2024
(Ankush B. Bodade Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. Resha Deshmukh, 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 today itself.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 12.08.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 671 OF 2022
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. The counsel representing the applicant is no more. In view of the same, the Registry is directed to issue notice to the applicant to take further steps in the matter.

3. S.O. to 06.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 507 OF 2020
(Anil S. Burkul Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, 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 02.09.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 930 OF 2023
(Dr. Pravinkumar B. More Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Avinash Deshmukh, 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, S.O. to 10.07.2024 for filing affidavit in reply.

MEMBER (J)

**ORIGINAL APPLICATION NO. 489 OF 2023
(Rekha B. Tathe Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for respondent Nos. 1 and 2, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 463 OF 2023
(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, 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 23.07.2024.

MEMBER (J)

M.A. No. 216/2024 in O.A. No. 312/2024
(Deepak S. Bangar Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri N.L. Choudhary, learned counsel for the applicant in M.A./respondent No. 3 in O.A., Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri M.S. Shaikh, learned counsel for the applicant in O.A., are present.

2. At the request of learned counsel for the applicant in O.A., time is granted for filing rejoinder affidavit.

3. S.O. to 26.06.2024 **in urgent admission category**. Interim relief granted earlier in O.A. to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1138 OF 2022
(Nilesh S. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri Dipesh Pande, 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, time is granted for filing rejoinder affidavit.
3. S.O. to 25.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 110 OF 2023
(Balkrushna S. Lunjewar Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri R.T. Deshmukh, learned counsel for respondent No. 5, **is absent.**

2. At the request of learned counsel for the applicant, S.O. to 07.08.2024 for hearing.

MEMBER (J)

O.A. No. 586/2023 with O.A. No. 618/2023
(Umesh R. Kavle & Kishor A. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 02.07.2024 for taking instructions.

MEMBER (J)

KPB ORAL ORDER 20.06.2024

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

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned counsel for respondent No. 5 and Shri S.B. Ghute, learned counsel for respondent No. 4.

2. Learned counsel for the applicant submits that though this Tribunal has granted status quo as an interim relief, before passing of the order of interim relief the applicant came to be relieved and he has also jointed the place of transfer.

3. At the request of learned counsel for the applicant, S.O. to 04.07.2024 for hearing.

MEMBER (J)

**M.A. No. 392/2022 in O.A. St. No. 78/2022
(Ashru m. Kaldate Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply is filed in M.A.

3. List the matter for hearing on 29.07.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

KPB ORAL ORDER 20.06.2024

ORIGINAL APPLICATION NO. 219 OF 2023
(Pathan Haider Ali Khan Umalkhan Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Ashish Rajkar, learned counsel holding for Shri M.V. Ghatge, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 and 4. Same is taken on record and copy thereof is given to learned counsel for the applicant. Learned P.O. on instructions submits that other respondents are adopting the affidavit in reply filed on behalf of respondent Nos. 3 and 4.

3. List the matter for filing rejoinder affidavit if any and admission hearing on 02.08.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 492 OF 2022
(Pankaj J. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri N.L. Choudhary, 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 14.08.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 478 OF 2023
(Vishwajit V. Udate Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

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

2. It is a part heard matter.

3. Learned counsel for the applicant submits that the applicant is willing to file Writ Petition before the Hon'ble High Court of Bombay, Bench at Aurangabad in the similar line as per W.P. No. 2865/2022.

4. In view of above, S.O. to 03.09.2024 for further hearing.

MEMBER (J)

**O.A. Nos. 773/2023, 935/2022, 1152/2022,
112/2023 & 113/2023
(Prasad K. Kamble & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicants in all these O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. Learned counsel for the applicants seeks time to file short affidavit. Time granted.
3. S.O. to 30.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 83 OF 2022
(Jitendra Dharma Gurav Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri S.N. Suryawanshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions submits that during pendency of the present Original Application, the departmental appellate authority dismissed the appeal filed by the applicant against the order of minor punishment. Learned counsel submits that the applicant has made a prayer to the extent of giving direction to the departmental appellate authority to dispose of the said appeal.

3. In view of above, the present Original Application has become infructuous. Thus considering the above submissions since the O.A. has become infructuous, nothing survives for further consideration in the same. The Original Application stands disposed of. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1061 OF 2022
(Atmaram N. Awtirak Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri I.D. Maniyar, 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 30.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 122 OF 2023
(Dr. Teli Shaikh Emaran Shaikh Ismail Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits short affidavit on behalf of respondent No. 5. Same is taken on record and copy thereof is given to other side. On perusal of the same, it appears that the recovery of excess salary paid during the period from 14.03.2022 to 28.09.2022 to the applicant has been cancelled as per the order dated 22.05.2024. Copy of the said order is annexed to the short affidavit as Annexure R-1. It is stated in the said order that the cancellation of recovery would be subject to outcome of the present Original Application. However, if the order of recovery has been cancelled, nothing survives for further consideration in the present Original Application.

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

MEMBER (J)

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

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

DATE : 20.06.2024

ORAL ORDER :

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

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

3. List the matter for admission hearing on 31.07.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 395 OF 2022
(Rajkamal V. Ugile Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri Deelip Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present. Shri A.S. Reddy, learned counsel for respondent No. 6, is **absent**.

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

3. List the matter for admission hearing on 02.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 339 OF 2024
(Dilip W. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.D. Sonar, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record along with the spare copy for the applicant.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 03.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 188 OF 2024
(Annasaheb D. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri M.M. Kadtu, learned counsel for the applicant and Smt. Resha Deshmukh, 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 today itself.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 04.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 306 OF 2024
(Prasanna L. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri V.S. Panpatte, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record along with the spare copy for the applicant.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 12.07.2024.

MEMBER (J)

T.A. No. 20/2024 (W.P. No. 3192/2023)
(Mathurabai M. Choure Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. The office has raised the objections and the objection at Sr. No. 3 is that the Original Application appears to be barred by limitation. By filing the Original Application (T.A.), the applicant is challenging the order dated 28.03.2022 (Exhibit-G). In view of the same, the Original Application (T.A.) is filed within limitation. The office objection is not sustainable to that effect.

3. Issue notice to the respondents, returnable on 04.09.2024. The applicant shall remove the remaining office objections till then.

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

//2// T.A. 20/2024 (W.P. 3192/2023)

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

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

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

8. S.O. to 04.09.2024.

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

MEMBER (J)

**M.A. No. 205/2024 in O.A. St. No. 802/2024
(Jijabai M. Kotkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

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

2. By filing the accompanying Original Application, all the applicants, who are legal heirs of deceased Government employee seeking pensionary benefits.

3. In view of the same and for the reasons stated in the application, the M.A. No. 205/2024 is hereby allowed and the applicants are permitted to sue jointly O.A. as filed by them, 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. 205/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

O.A. St. No. 802/2024
(Jijabai M. Kotkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. There are mistakes about the names and dates in the Original Application.

3. Leave to correct those mistakes or to replace the entire memo of Original Application.

4. S.O. to 02.07.2024.

MEMBER (J)

KPB ORAL ORDER 20.06.2024

**MA 219/2024 in MA 220/2024 in OA St. 1274/2024
(Dr. Maroti P. Pote & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri S.N. Pagare, learned counsel for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. All the applicants are working as Professor at Government Medical College and Hospital, Jalgaon and by filing the accompanying Original Application, they are seeking similar relief.

3. In view of above and for the reasons stated in the application, the M.A. No. 219/2024 seeking permission to sue jointly is hereby allowed, subject to payment of court fee stamps, if not paid.

4. The present M.A. No. 219/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

**M.A. No. 220/2024 in O.A. St. No. 1274/2024
(Dr. Maroti P. Pote & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri S.N. Pagare, learned counsel for the applicants and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 01.08.2024.

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 01.08.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day original record and proceedings will be received as directed by this Tribunal.

3. In view of above, S.O. to 28.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 430 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day affidavit in reply will be filed.

3. S.O. to 28.06.2024.

MEMBER (J)

Later on :-

4. Learned Presenting Officer submits that the para-wise are received from the department in Marathi language and therefore some time is required to prepare the affidavit in reply. Learned P.O. thus seeks time. Time granted.

5. S.O. to 28.06.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 601 OF 2024
(Ranjit M. Garole Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 08.08.2024. The applicant is permitted to file the certificate about the pay scale of deceased Government employee at the time of his death.

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 08.08.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 600 OF 2024
(Shyam Shivajirao Lohi Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. In view of the observations made by the Division Bench of the Hon'ble High Court of Bombay in W.P. No. 2323/2023 and other connected matters, the office is directed to place the present matter before the Division Bench.

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2020
(Sharad M. Panchange Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for orders.

MEMBER (J)

KPB ORAL ORDER 20.06.2024

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

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer on oral instructions from the respondents submits that the department has not passed any order about the suspension period of the applicant for the reason that the present Original Application is pending before this Tribunal.

3. Arguments are concluded. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 334 OF 2023
(Ramsing H. Sulane Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri D.B. Thokre, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits written notices of arguments on behalf of the applicant in addition to the oral submissions. Same is taken on record and copy thereof is given to learned Presenting Officer.

3. It is a part heard matter. At the request of learned Presenting Officer, S.O. to 28.06.2024 for reply on citations, so also, written notes of arguments.

MEMBER (J)

**M.A. No. 289/2022 in O.A. St. No. 1064/2022
(Vijay G. Palaskar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri P.V. Ambade, 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, time is granted for filing synopsis of events to explain the delay in particular.

3. S.O. to 06.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.06.2024

ORIGINAL APPLICATION NO. 567 OF 2017
(Bebabai P. Koli (Sapkale) Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri S.P. Dhoble, learned counsel holding for Shri V.P. Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the present Original Application is filed for family pension for second wife.

3. The applicant can make the appropriate submissions on the next date of hearing keeping in mind the reference decided by the Full Bench of Hon'ble High Court of Bombay, Bench at Aurangabad in this regard.

4. S.O. to 19.07.2024 for hearing.

MEMBER (J)

**M.A. St. No. 1234/2024 in O.A. St. No. 1235/2024
(Vilas S. Harel & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri Harish Bali, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. All the applicants are from the same department and they are seeking similar relief on the same cause of action.

3. In view of the same and for the reasons stated in the application, permission to sue jointly is allowed, 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. stands disposed of accordingly. No order as to costs.

MEMBER (J)

O.A. St. No. 1235/2024
(Vilas S. Harel & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri Harish Bali, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that in view of prayer clause-B, the Original Application appears to be barred by limitation.

3. Learned counsel for the applicants submits that the applicants have filed the present Original Application seeking declaration that they are entitled for first benefit of time bound promotion w.e.f. 30.11.2021 under the Assured Progression Scheme, since they are completed 10 years of service as Assistant Chemical Analyzer till then. Learned counsel further pointed out that the applicants have submitted representations in the months of January, 2023 onwards (Annexure A-6 collectively). However, the department has not taken any cognizance on the same.

4. In view of the same, I do not think that there is a delay. The office objection to that effect does not survive and the same stands overruled.

5. Issue notices to the respondents, returnable on 08.08.2024.

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O.A. St. 1235/2024

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

7. 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.

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

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

10. S.O. to 08.08.2024.

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

MEMBER (J)

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

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

DATE : 20.06.2024

ORAL ORDER :

Shri M.S. Dalave, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri G.R. Jadhav, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer submits during the course of the day affidavit in reply on behalf of respondent Nos. 1 and 2 will be filed.

3. Learned counsel for respondent No. 3 submits affidavit in reply. Same is taken on record along with spare copy for the applicant.

4. List the matter for filing rejoinder affidavit, if any and admission hearing on 11.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 348 OF 2023
(Akshay S. Tekur Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

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

2. S.O. to 30.07.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 985 OF 2023
(Ganesh H. Fawde Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri Y.P. Deshmukh, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 30.07.2024 for hearing.

MEMBER (J)

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

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

DATE : 20.06.2024

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. At the request of learned counsel for the applicant, S.O. to 30.07.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 63 OF 2022
(Sandeep S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri K.G. Salunke, 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 03.09.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 83 OF 2023
(Mohd. Sardar Mohd Abrar Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Mirza Mazhar J. Baig, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Smt. Suchita Dhongde, learned counsel holding for Shri Amit Dhongde, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 03.09.2024 for final hearing.

MEMBER (J)

**O.A.NOS. 369/2021, 1150/2022 AND 626/2022
(Naushadbee Ibrahim Shaikh & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri M.B. Kolpe, learned counsel for the applicant in O.A. No. 626/2022 and holding for Shri S.B. Choudhari, learned counsel for the applicant in O.A. No. 369/2021 and for V.V. Ingale, learned counsel for applicant in O.A. No. 1150/2022, and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. S.O. to 30.07.2024 for final hearing.

MEMBER (J)

**O.A.NOS. 1073/2022, 936/2022, 226/2021 AND
589/2021
(Gajanan S. Bachipale & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

S/Shri S.R. Kolhare, V.Y. Patil, P.S. Gaikwad & Miss. Rakhi V. Sundale, learned counsel for the applicants in respective O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in all matters, are present

2. S.O. to 30.07.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 20.06.2024

**ORIGINAL APPLICATION ST. NO. 1236/2024
(Suhas A. Sabale Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

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

2. The office has raised an objection that in view of prayer clause-B, the Original Application appears to be barred by limitation.

3. Learned counsel for the applicant submits that the applicant has filed the present Original Application seeking declaration that he is entitled for first benefit of time bound promotion w.e.f. 30.11.2021 under the Assured Progression Scheme, since he has completed 10 years of service as Assistant Chemical Analyzer till then. Learned counsel further pointed out that the applicant has submitted representation in the month of November, 2023 onwards (Annexure A-6 collectively). However, the department has not taken any cognizance on the same.

4. In view of the same, I do not think that there is a delay. The office objection to that effect does not survive and the same stands overruled.

5. Issue notices to the respondents, returnable on 08.08.2024.

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O.A. St. 1236/2024

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

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

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

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

10. S.O. to 08.08.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 60 OF 2023
(Vithal R. Motarwar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri P. V. Ambade, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants submits that during pendency of this Original Application, the respondent authorities have decided the representation submitted by the applicants dated 04.10.2022.

3. Leave to the applicants to challenge the said order by carrying out amendment in the prayer clause so also in the body of the Original Application, if so needed.

4. The applicants to carry out amendment on or before the next date of hearing.

5. S.O. to 02.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 276 OF 2023
(Dr. Shivaji G. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Umesh S. Mote, learned counsel for respondent No.4.

2. Learned counsel for the applicant submits that by filing this Original Application the applicant is seeking declaration about his service on the post of Medical Officer (Class-II) w.e.f. 19.06.1999 to 09.09.2006 to be treated as per the provisions of Rule 9 (14) (f) of the Maharashtra Civil Services (General Condition) Rules, 1981 and to pay all the consequential benefits to the applicant and also seeking direction to respondent No.1 to take the decision about the said period in terms of the aforesaid provisions.

3. Learned counsel for the applicant submits that the respondent No.2 has submitted the proposal dated 07.12.2009 (Annexure 'A-10') to the

//2// O.A. 276/2023

respondent No.1, however, no action has been taken in connection with the said proposal till date.

4. Learned counsel for the applicant submits that the purpose of filing this Original Application will be fulfilled if the directions are given to the respondent No.1 to decide the said proposal in time bound manner.

5. Learned Presenting Office and learned counsel appearing for respondent No. 4 submit that if the directions are given to decide the aforesaid proposal on its own merits, the same would be just and appropriate.

6. In view of above submissions, the respondent No.1 is directed to decide the proposal submitted by respondent No.2 dated 07.12.2009 (Annexure 'A-10') as expeditiously as possible, preferably within the period of three months from the date of this order.

7. Needless to say that in case of any adverse order is passed, the applicant would be at liberty to approach this Tribunal again.

8. The Original Application is accordingly disposed of. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 956 OF 2022
(Vijay R. Shringare Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that by filing this Original Application the applicant is seeking direction to the respondent No.5 to take a decision on the explanation/representation submitted by the applicant dated 26.09.2019 for counting his earlier service from 18.08.2003 to 17.04.2007 for pension and pensionary benefits along with the prayer of direction to the respondent Nos. 1 to 5 to grant the applicant the continuity in service rendered by the applicant on the post of Junior Clerk for the said period and to grant all consequential benefits.

3. Learned counsel for the applicant submits that the purpose of filing this Original Application will be served if directions are given to the respondents to decide the representation submitted by the

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O.A.956/2022

applicant dated 26.09.2019 (Annexure 'A-1') in time bound manner.

4. Learned Presenting Officer submits that if this Tribunal decides to give directions to the respondent authorities to decide the said representation, then the respondent authorities may be given the liberty to decide the said representation on its own merits.

5. In view of above, the respondent authorities are hereby directed to decide the representation of the applicant dated 26.09.2019 (Annexure 'A-1') on its own merits, as expeditiously as possible, preferably within the period of three months from the date of this order.

6. Needless to say that in case of any adverse order is passed against the applicant, the applicant would be at liberty to approach this Tribunal again.

7. The Original Application is accordingly disposed of. No costs.

MEMBER (J)

**O.A.NO. 147/2021 WITH M.A.NO. 158/2024
(Ratnaprabha T. Hingade Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri P.B. Rakhunde, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Learned P.O. has placed before this Tribunal the copy of communication dated 10.06.2024. The same is taken on record and marked as document 'X' for the purpose of identification.

3. On perusal of the same it appears that the respondent has appointed the present applicant as Sweeper for the period of further 11 months and accordingly, the applicant has joined on 17.05.2024.

4. Learned Presenting Officer submits that in terms of the order passed by this Tribunal dated 30.04.2024, the respondent authority has taken this decision.

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5. By way of this Original Application, the applicant is seeking directions to the respondents to regularize the service of the applicant on the post of Sweeper.

6. In view of above, Admit.

7. Learned P.O. waives notices for respondents on admission.

8. S.O. to 04.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1155 OF 2022
(Sagar A. Zinzurde Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

None present for the applicant. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. seeks leave to submit affidavit in reply on behalf of respondent Nos. 1 & 2. Leave as prayed for is granted.

3. The affidavit in reply is accepted along with spare copy for the other side.

4. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 08.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 392 OF 2024
(Ramdas N. Kavatwad Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent No.2 along with spare copy for the other side.

3. Learned P.O. submits that the respondent No.1 is adopting the affidavit in reply filed by respondent No.2.

4. S.O. to 07.08.2024 for filing affidavit in rejoinder, if any and for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 987 OF 2023
(Dr. Shaikh Salim Gulab Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

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

3. S.O. to 10.07.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

**O.A.NOS. 324, 325, 326, 327, 328, 329 & 330 ALL OF 2024
(Dr. Manohar T. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

Shri R.S. Pawar, learned counsel for respondent No.5 in O.A.No. 326/2024, is **absent**.

2. Learned P.O. seeking time to comply with the directions given in the order dated 12.06.2024. Time granted.

3. S.O. to 02.07.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 18 OF 2022
(Ashok S. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

None present for the applicant. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 09.08.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 20.06.2024

**ORIGINAL APPLICATION NO. 748 OF 2021
(Prakash B. Potewar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri Sudhir Patil, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 09.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 615 OF 2021
(Dr. Godavari M. Vaidya Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

None present for the applicant. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 23.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 20.06.2024

**ORIGINAL APPLICATION NO. 1045 OF 2019
(Sunil P. Pathirkar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.07.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 365 OF 2019
(Nilesh W. Mahajan Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent No.2, are present.

2. S.O. to 22.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 963 OF 2023
(Shivkumar M. Mungilwar Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions submits that during pendency of this Original Application, the applicant has received all the retiral benefits.

3. Learned counsel for the applicant submits that the applicant is also seeking interest on delayed payment of gratuity, leave encashment, leave commutation and other consequential retiral benefits.

4. In view of above, if the applicant has received all the retiral benefits during pendency of this Original Application, this Original Applicant can be disposed of by directing the applicant to submit the application/representation to claim the interest on delayed retiral benefits and upon filing such application/representation, the respondent authorities shall decide the said application/representation in a time

//2// O.A.No. 963/2023

bound manner. Hence, the following order:-

ORDER

The Original Application is hereby disposed of in the following terms:-

- (A) The applicant shall submit the appropriate application/representation before the concerned respondent authority in terms of provisions of Rule 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 within two weeks from the date of this order and upon filing such affidavit/representation, the concerned respondent authority shall decide the same in terms of provisions of Rule 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982 as early as possible preferably within the period of three months from the date of this order.
- (B) Needless to say that in case of any adverse order is passed against the applicant, the applicant would be at liberty to approach this Tribunal again.
- (C) In the circumstances, there shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 392 OF 2023
(Vishnu K. Kore Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Heard both the sides for some time.
3. Learned counsel for the applicant seeks time for further hearing. Time granted.
4. Part Heard.
5. S.O. to 04.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 247 OF 2023
(Samadhan B. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, 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 14.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.06.2024

ORIGINAL APPLICATION NO. 210 OF 2023
(Ganesh D. Chhabilwad Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant has filed a **leave note**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 23.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.06.2024

**ORIGINAL APPLICATION NO. 125 OF 2023
(Milind D. Shah Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, 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 13.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.06.2024

M.A.NO. 214/2024 IN O.A.NO. 607/2024
(Gajanan Prabhu Ambore & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that though applicant Nos. 12 to 16 are not residing within the jurisdiction of this Tribunal, they have joined with the applicant Nos. 1 to 11 for the reason that they are also having same grievance. Learned counsel further submitted that the advertisement in pursuance of which the applicants have appeared and are aspiring for their selection for all over the State and if the applicants are selected they are likely to be posted anywhere in the State. In the circumstances, learned counsel has prayed for allowing sue jointly application.

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**M.A.NO. 214/2024 IN
O.A.NO. 607/2024**

3. Having considered the facts as aforesaid, the application is allowed and the applicants are permitted to sue the Original Application jointly.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 607 OF 2024
(Gajanan Prabhu Ambore & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 25.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 212 OF 2024
(Dr. Pandit Raosaheb Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that affidavit in reply on behalf of respondent Nos. 1 to 3 will be filed during the course of the day. If it is filed the same be taken on record and copy thereof be supplied to the other side.

3. S.O. to 19.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 493 OF 2024
(Maroti Sahebrao Somwad Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Nikhil Sonwane, learned counsel holding for Shri C.R. Thorat, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 440 OF 2024
(Anil T. Patil & Ors. Vs. State of Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Shri Nilesh N. Bhagwat, learned counsel holding for Shri S.D. Kotkar, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel appearing for the applicants, reissue notices to the respondents, returnable on 12.08.2024.

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 12.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 28/2024 IN O.A.NO. 01/2015
(Dr. Balaji G. Phalke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Jayant S. Deshmukh, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.06.2024-HDD

C.P.NO. 13/2022 IN O.A.NO. 130/2017
(Priyanka A. Dongre Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri S.B. Jadhav, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 27.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.06.2024-HDD

C.P.ST.NO. 335/2024 IN O.A.NO. 177/2018
(Gangadhar M. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. S.O. to 07.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.06.2024-HDD

T.A.NO. 21/2024 (W.P.NO. 3284/2024)
(Dr. Samidha Suhas Natawadkar Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Kagzi Parvezhasnath. H, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 07.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.06.2024-HDD

ORIGINAL APPLICATION NO. 694 OF 2021
(Avinash G. Chonde Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.S. Hazari, learned counsel holding for Shri Amol B. Chalak, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has filed short affidavit in reply on behalf of respondent Nos. 5 & 6 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 19.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 946 OF 2019
(Dr. Subhash Prabhakar Pawar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

Shri V.R. Sonwalkar, learned counsel for respondent Nos. 4 & 5 (**absent**).

2. Learned counsel for the applicant submits that there is urgency in the present matter as the pleadings are completed. The matter is lying for hearing since last many dates. Learned counsel for respondent Nos. 4 & 5 is absent. Today the matter was to be heard.

3. It is however, clarified that the matter will be taken up for hearing on the next date positively. Parties shall ensure their presence.

4. S.O. to 23.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 262 OF 2024
(Vinod Arjun Wagh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri Majit S. Shaikh, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. The request is strongly opposed by the learned counsel appearing for the applicants stating that due opportunities are already availed. In the interest of justice, time is granted by way of last chance.

3. S.O. to 18.07.2024. It is clarified that if the respondents fail to file affidavit in reply on or before the next date, the matter will be heard without their affidavit in reply.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 263 OF 2023
(Vinesh Vitthal Maher Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks leave of this Tribunal to file affidavit in reply on behalf of respondent Nos. 1 & 2. Learned counsel appearing for the applicant graciously consented for accepting the affidavit in reply. Affidavit in reply of the said respondents be taken on record and copy thereof be supplied to the other side.

3. S.O. to 19.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 464 OF 2023
(Muzaffar Mustafa Shah Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.S. Hazari, learned counsel holding for Shri Amol B. Chalak, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 11.07.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 31/2024 IN O.A.NO. 472/2023
(Bajirao Eknath Gadade Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer has filed separate affidavits in reply on behalf of respondent Nos. 1 & 2 and the same are taken on record and the copies thereof have been served on the learned counsel for the applicant.

3. S.O. to 05.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 339 OF 2021
(Arun Shrichand Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.S. Hazari, learned counsel holding for Shri Amol B. Chalak, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 19.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 871 OF 2023
(Bapusaheb V. Patare Vs. State of Maharashtra & Ors.)**

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, issue fresh notices to the respondents, returnable on 05.08.2024.

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

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

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

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

7. S.O. to 05.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 34/2024 IN O.A.NO. 526/2022
(Sachin D. Dahihande Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri A.S. Khedkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

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 counsel for the applicant.

3. S.O. to 05.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 374 OF 2023
(Radheshyam B. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, issue fresh notices to the respondents, returnable on 12.08.2024.

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 12.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 71/2023 IN O.A.NO. 370/2019

(Smt. Yasmin Hashmi w/o Vasim Hashmi Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered across the bar communication dated 13.06.2024 received from the respondents stating therein that the respondents are intending to approach the Hon'ble High Court challenging the order passed by this Tribunal in O.A., a contempt of which is alleged in the present contempt petition.

3. S.O. to 05.07.2024.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 20.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time to file affidavit in reply. Time granted.

3. S.O. to 22.07.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 03/2024 IN O.A.NO. 950/2019
(Jayshri Thansing Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the respondents are duly served and he will file service affidavit in the registry. The matter be removed from await service category. Learned Presenting Officer shall ascertain from the office concerned of service of notice and shall file affidavit in reply on the next date.

3. S.O. to 24.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 341 OF 2023

(Dr. Jayashree Eknathrao Bangar Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri S.B. Solanke, learned counsel for respondent No. 3, are present.

2. S.O. to 01.07.2024.

MEMBER (A)

VICE CHAIRMAN

**O.A. NO. 447/2022 WITH M.A.ST.NO. 2166/2023
WITH M.A.NO. 542/2022 WITH M.A.NO. 261/2022
WITH M.A.NO. 257/2022
(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Mah. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
and
Hon'ble Shri Vinay Kargaonkar, Member (A)**

DATE : 20.06.2024

ORAL ORDER :

Shri Mohit R. Deshmukh, learned counsel for the applicants in M.A.ST. 2166/2023, Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants in M.A. No. 542/2022 and Shri V.R Bhumkar, learned Presenting Officer for the respondent authorities, Shri S.B. Bhosale, learned counsel for the applicants in M.A. Nos. 261 & 257 both of 2022, are present.

Shri S.K. Kadam, learned counsel for respondent No. 2 in O.A., Shri Satyajeet S. Dixit, learned counsel for respondent No. 3 in O.A., , **are absent.**

2. S.O. to 24.06.2024. Interim relief granted earlier to continue till then. **High on board.**

MEMBER (A)

VICE CHAIRMAN

M.A. 124/24 WITH M.A.69/24 IN O.A. 1048/24
(Muladharan Prakalpagrasth Kruti Samiti, Ahmednagar Vs. State
of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Shri Pratik Talwar, learned counsel holding for Shri A.B. Kale, learned counsel for the applicant in M.A. No. 124/2024 & O.A. No. 1048/2024, Shri B.R. Survase, learned counsel for the applicants in M.A. No. 69/2024 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. Shri B.R. Survase, learned counsel for the applicants in M.A. No. 69/2023/respondents in O.A. submits that the M.A. No. 69/2023 be decided, wherein maintainability and the locus of the applicant is challenged. Arguments are already heard.

3. S.O. to 28.06.2024 for orders on M.A. No. 69/2023.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 1256/2024
(Shri Ramdas Santaram Gaikwad Vs. The State of Maharashtra & Ors.)

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

DATE : 20.06.2024

ORAL ORDER :

Heard Shri O.D. Mane, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, it is brought to our notice that the present Original Application was moved during the summer vacation before the learned Vacation Judge on 17.05.2024. It is further revealed that after having considered the facts in the matter and after having noticed that alternate efficacious remedy is available of filing appeal before the appellate authority, the matter was simply adjourned, thereby giving an opportunity to the applicant for approaching the appellate authority. Today the learned counsel submitted that in the period of vacation itself the applicant preferred the appeal before the appellate authority on 20.05.2024. Learned counsel submitted that the appellate authority, however, till today has not decided the appeal preferred by the applicant. Learned counsel submitted that the applicant is on the verge of retirement and his date of

superannuation is 31.08.2024. Learned counsel further submitted that if departmental appeal is not decided expeditiously, the applicant is likely to suffer irreparable loss, since he will be retiring in the meanwhile period. In the circumstances, the learned counsel prayed for taking the matter for consideration.

3. Request made by the learned counsel is difficult to be accepted. When alternate efficacious remedy is available and that is availed by the applicant, however, said appeal has not been decided by the appellate authority, the present Original Application cannot be taken up for consideration by the Tribunal. In the provisions under sections 19, 20 and 21 of the Administrative Tribunals Act, 1985 time is provided of 06 months for deciding the appeal. If the appeal preferred by the concerned applicant is not decided within 06 months after the date of its filing then the applicant concern is permitted to avail the remedy of filing Original Application before the Tribunal.

4. Since the applicant is retiring on 31.08.2024, we deem it appropriate to dispose of the present O.A. by directing respondent no. 01 to decide the appeal filed by the applicant within 02 weeks from the date of this order. The learned P.O. shall communicate this order to

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O.A. ST. NO. 1256/2024

respondent no. 01. Needless to state that even thereafter any dispute subsists, the applicant is at liberty to approach the Tribunal. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 20.06.2024

O.A. NO. 366/2023 WITH CAVEAT 12/2023
(Nitin B. Kolekar Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Ajay S. Deshpande, learned counsel for respondent nos. 03 & 04.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 359/2024
(Subham Ganesh Patil Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

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

2. S.O. to 19.07.2023. Interim Relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 213/2024

(Prashant Ganeshrao Badgajar & Ors. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

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

2. S.O. to 22.07.2023. Interim Relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 193/2024
(Supriya P. Ghule Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

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

2. S.O. to 22.07.2023. Interim Relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 603/2024
(Shri Sunil R. Agale Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel holding for Shri Amol R. Gaikwad, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The applicant has appeared for the post of X-ray Technician. However, his candidature is rejected on the ground that the Institute viz. Bharat Sevak Samaj, New Delhi, wherefrom the applicant has completed Diploma in X-ray and Imaging Technology, is not a Government recognized Institute. The learned counsel for the applicant has brought to our notice certain documents evidencing that the Diploma courses of Bharat Sevak Samaj are approved by other Institutes so far as the post of Sanitary Inspector is concerned and in some matters it has been held that the syllabus of the course is similar, however, the said Institute is not a recognized by the Government. In the circumstances, the learned counsel has prayed for interim relief, thereby restraining the respondents from filling in the post of X-ray Technician meant for Open category. Learned counsel submitted that only total 03 posts are reserved for Open candidates.

3. Learned Presenting Officer has opposed for grant of any interim relief as has been prayed by the applicant. Learned P.O. submitted that the documents, which are produced on record, are not enough to draw any conclusion that the applicant is entitled for the interim relief.

4. After having considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer for the respondent authorities, it appears to us that the applicant has certainly made out a prima-facie case for grant of interim relief. Further instructions from both the sides are required. Hence, we pass the following order:-

ORDER

Issue notice to the respondents, returnable on 22.07.2024. **In the meanwhile if any appointment is made against the post reserved for Open category for the post of X-ray Technician that should be subject to outcome of this Original Application.**

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

3. 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

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O.A. NO. 603/2024

case would be taken up for final disposal at the stage of admission hearing.

4. 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.

5. 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.

6. S.O. to 22.07.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 604/2024
(Shri Kishor Shivaji Tayde Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.06.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicant has appeared for the post of X-ray Technician. However, his candidature is rejected on the ground that the Institute viz. Bharat Sevak Samaj, New Delhi, wherefrom the applicant has completed Diploma in X-ray and Imaging Technology, is not a Government recognized Institute. The learned counsel for the applicant has brought to our notice certain documents evidencing that the Diploma courses of Bharat Sevak Samaj are approved by other Institutes so far as the post of Sanitary Inspector is concerned and in some matters it has been held that the syllabus of the course is similar, however, the said Institute is not a recognized by the Government. In the circumstances, the learned counsel has prayed for interim relief, thereby restraining the respondents from filling in the post of X-ray Technician meant for O.B.C. category. Learned counsel submitted that only one post is reserved for O.B.C. candidates.

3. Learned Presenting Officer has opposed for grant of any interim relief as has been prayed by the applicant. Learned P.O. submitted that the documents, which are produced on record, are not enough to draw any conclusion that the applicant is entitled for the interim relief.

4. After having considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer for the respondent authorities, it appears to us that the applicant has certainly made out a prima-facie case for grant of interim relief. Further instructions from both the sides are required. Hence, we pass the following order:-

ORDER

Issue notice to the respondents, returnable on 22.07.2024. **In the meanwhile if any appointment is made against the post reserved for O.B.C. category for the post of X-ray Technician that should be subject to outcome of this Original Application.**

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

3. 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

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O.A. NO. 604/2024

case would be taken up for final disposal at the stage of admission hearing.

4. 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.

5. 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.

6. S.O. to 22.07.2024.

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

MEMBER (A)

VICE CHAIRMAN