

C.P. NO. 73/2024 IN O.A. NO. 716/2023
(Kaildas Ganpatrao Datkhil Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.08.2024

ORAL ORDER :

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

2. When the present Contempt Petition is taken up for consideration, the learned Presenting Officer has tendered the communication dated 13.08.2024 received from the respondents. It is taken on record. The learned Presenting Officer submits that despite the instructions given from the office of Chief Presenting Officer at Aurangabad to comply with the order passed by this Tribunal, the concerned Officer has forwarded the communication dated 13.08.2024. In the Original Application No. 716/2023 the Tribunal has passed the following order:-

“O R D E R

[i] Respondents are directed to issue the order of completion of probation period of the applicant if there is no other impediment in that regard within 2 weeks from the date of this order.

[ii] Respondents are further directed to break open the sealed cover and if the applicant is recommended therein for his promotion, consider his case for promotion on merit in order of seniority and as per rules.

[iii] O.A. stands disposed of in the aforesaid terms, however, without any order as to costs.

[iv] M.A. also stands dispose of accordingly.”

4. On the motion for speaking to minutes in the aforesaid order, the Tribunal has passed following order on 14.12.2024.

“ORAL ORDER

“Heard Shri V.B. Wagh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. This is the motion for speaking to minutes in the order passed by this Tribunal on 05-12-2023 in O.A.No.716/2023.

3. Learned Counsel submits that the time has not been stipulated for breaking open the sealed cover. In view of the submissions made, clause [ii] of the order be amended as follows:

[ii] Respondents are further directed to break open the sealed cover within 4 weeks from the date of this order and if the applicant is recommended therein for his promotion, consider his case for promotion on merit in order of seniority and as per rules.

Accordingly, motion for speaking to minutes is allowed”

3. Accordingly, vide Government Resolution dated 04.01.2024 the probation period of the applicant was declared to have been completed. No doubt, in clause 3 of the said G.R. it has mentioned that the probation period has been terminated subject to decision in criminal application filed before the Hon'ble High Court seeking leave to appeal. It is brought to our notice that leave has been refused by the Hon'ble High Court vide its order dated 12.04.2024. It cannot be stated that the order passed by the Hon'ble High Court may not be within knowledge of the respondents. If the facts as aforesaid are considered, there remains no doubt that by not complying the order passed by this Tribunal the respondents have become liable to be proceeded under the provisions of Contempt of Courts Act. In the circumstances, we deem it appropriate to pass the following order:-

ORDER

(i) The Present petition be registered as contempt petition (Civil) as provided under rule 5 of the Maharashtra Administrative Tribunal (Contempt of Courts) Rules, 1996 and the Registrar of this Bench

::-4-::

**C.P. NO. 73/2024 IN
O.A. NO. 716/2023**

shall cause a notice to be issued to respondent Nos. 01 and 02 in form No. III to appear before this Tribunal in person or through an Advocate on 23.09.2024 to show cause against the present proceedings.

(ii) Copy of the present order and copy of the contempt petition along with documents annexed thereto shall accompany the notice to be served on respondent Nos. 01 and 02.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 821/2024
(Ashok Damu Rathod & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present Original Application is transferred from the Principal Bench of this Tribunal at Mumbai. It is the grievance of the applicants that after change in their Division they are placed at the bottom in the list of seniority of the employees where they are transferred and their past services are not considered.

3. After having gone through the pleadings in the present Original Application, it appears that in similar circumstances this Tribunal has passed certain orders in favour of the employees in earlier applications. In the circumstances, it appears to us that the present Original Application can be placed before the **Lok Adalat** scheduled on 28.09.2024 even at

::-2-::

O.A. NO. 821/2024

the very first instance i.e. while issuing notices to the respondents.

4. S.O. to 28.09.2024 before the **Lok Adalat**.

5. Learned Presenting Officer shall take note of the order passed today and take instructions from the respondents.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 873/2024
(Jiwan Baburao Aher Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Dheple, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 07.10.2024. **In the meanwhile, if any appointment is made against the post reserved for E.W.S. (Ex-serviceman) category that will be subject to outcome of the present Original Application.**

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.

::-2-::

O.A. NO. 873/2024

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 07.10.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 20.08.2024

C.P. NO. 67/2024 IN O.A. NO. 240/2024
(Hareshwar S/o Raghunath Ghuge Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.08.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel holding for Shri Prashant M. Nagargoje, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned counsel for the applicant has placed on record the order passed by the Division Bench of Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No. 8316/2024 on 07.08.2024. It is taken on record and copy thereof has been supplied to learned Chief Presenting Officer. Perusal of the aforesaid order makes it abundant clear that the Hon'ble High Court has maintained the order passed by this Tribunal. Learned Chief Presenting Officer submits that the Writ Petition has been recently disposed of and he will collect the updated information and will submit before the Tribunal on the next date.

3. S.O. to 28.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 707/2024
(Shivadas D. Badwane Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.08.2024

ORAL ORDER :

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 20.09.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 731/2024
(Balika B. Funde Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 17.10.2024.

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 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 733/2024
(Mansing S. Ingle Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 17.10.2024.

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 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 734/2024
(Krushna N. Gaikwad Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 17.10.2024.

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 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 735/2024
(Surayya Ismail Shaikh Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 17.10.2024.

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 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 736/2024
(Sandip Asru Karale Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 17.10.2024.

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 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 737/2024
(Sachin Lahanu Shinde Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 17.10.2024.

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 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 738/2024
(Mustaq Ismail Sayyed Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 17.10.2024.

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 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 732/2024
(Shradha Sakhahari Padwal Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application. Hence, the following order:-

ORDER

The Original Application stands disposed of since withdrawn, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 831/2024

(Kashinath Shankar Pawar Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 20.08.2024

ORAL ORDER :

Heard Shri Umesh S. Mote, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 14.10.2024.

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 14.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 896/2024
(Asha Trimbak Thorat Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 10.09.2024.

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

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

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

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

7. S.O. to 10.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 858/2024
(Sapna Dnyanoba Harbade Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. The present applicant is working on contractual basis on the post of Ladies Superintendent in the Girls Hostel. She was first appointed in the year 2022 vide order issued by respondent no. 02 on 29.03.2022. The said appointment was for the period from 01.04.2022 to 28.02.2023. After the said period was over, another appointment order was issued in favour of the applicant on 21.02.2023 for the period from 02.03.2023 till 01.02.2024. It is the grievance of the applicant that now respondent no. 02 has again issued the advertisement for the same post to be filled in on contractual basis. Learned counsel for

the applicant submitted that when the applicant is working on the said post since last 02 years and when there are no complaints in respect of her performance, the respondents cannot appoint another ad-hoc employee in place of the applicant.

3. It is submitted that the applicant is still working on the said post. In the circumstances, learned counsel has prayed for interim relief, thereby staying the effect, implementation and operation of the advertisement dated 21.07.2024 issued by respondent no. 02.

4. Learned Presenting Officer has submitted for passing appropriate orders.

5. Considered the submissions made on behalf of the parties. From the documents placed on record it is evident that the applicant is working on contract basis with the respondents since past 02 years. The respondents have issued an advertisement for filling the said post on contract basis. The Hon'ble Supreme Court has laid down in the matter of **Mohd. Abdul Kadir and another vs. Director General of Police, Assam, (2009) 6 SCC 611**

that an ad-hoc employee cannot be replaced by another ad-hoc employee. The issuance of an advertisement by the respondents for filling in the post on contract basis is contrary to the law laid down by the Hon'ble Supreme Court in the case of **Mohd. Abdul Kadir and another vs. Director General of Police, Assam** (cited supra). As stated by the applicant, he is still working with the respondents. Having considered the facts as aforesaid, we deem it appropriate to pass the following order:-

O R D E R

(i) Issue notice to respondents, returnable on 19.09.2024.

(ii) The interim relief is granted in terms of prayer clause A-1, which reads thus:-

“A-1) Pending hearing and final disposal of present Original Application, the Hon'ble Tribunal may be pleased to stay the effect, implementation and operation of impugned advertisement 21.07,2024 issued by Respondent No. 2.”

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

(iv) 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.

(v) 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.

(vi) 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.

(vii) S.O. to 19.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.196/2021
(Sandip Pandurang More Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. S.O. to 20-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 20.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.427/2020
(Rahul Bharat Chaudhare Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. S.O. to 20-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 20.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.426/2020
(Sunil Sahebrao Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. S.O. to 20-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 20.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.412/2020
(Omprakash Hariram Kothari Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Counsel for respondent nos.2 & 4, are present.

2. S.O. to 20-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 20.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.913/2023
(Bhausahab Raosaheb Sarawade Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

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

MEMBER (A)

YUK ORAL ORDER 20.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.16/2022
(Vd. Piyush Gandhi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. S.O. to 29-08-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 20.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.807/2022
(Mohd. Raza Khan Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

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

3. S.O. to 19-09-2024.

MEMBER (A)
YUK ORAL ORDER 20.08.2024

VICE CHAIRMAN

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

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

DATE : 20.08.2024

ORAL ORDER :

Shri B.G. Deshmukh, learned counsel for the applicant has filed a **leave note**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for applicant, S.O. to 24.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 105 OF 2022
(Amar J. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri S.S. Tandale, 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 leave note of learned counsel for applicant, S.O. to 25.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 595 OF 2022
(Dr. Dinesh S. Ravtale Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

Shri R.N. Jain, learned counsel for respondent Nos. 4,5 & 6, is **absent**.

2. At the request of learned P.O., S.O. to 05.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 1010 OF 2022
(Khurshid Begum Mohd. Moosa Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. In view of absence of learned counsel for the applicant, S.O. to 14.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.08.2024

**ORIGINAL APPLICATION NO. 1091 OF 2022
(Babasaheb N. Rakte Vs. State of Maharashtra & Ors.)**

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

DATE : 20.08.2024

ORAL ORDER :

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

2. In view of absence of learned counsel for applicant, S.O. to 15.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.08.2024

**ORIGINAL APPLICATION NO. 1162 OF 2022
(Bhimrao N. Kokate Vs. State of Maharashtra & Ors.)**

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits the copy of communication received from the Government dated 20.06.2024. The same is taken on record and copy thereof is given to learned P.O. today itself.

3. On perusal of the same it appears that the decision has been taken on the proposal of the applicant favorably and the same has been communicated to the District Collector, Nanded.

4. Learned P.O. is directed to take specific instructions in this regard and make appropriate submission on the next date of hearing.

5. S.O. to 06.09.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 141 OF 2023
(Rukhmin S. Mendhake Vs. State of Maharashtra & Ors.)**

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

DATE : 20.08.2024

ORAL ORDER :

Shri A.B. Rajkar, 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 17.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 468 OF 2023
(Dr. Prashant S. Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

Shri Amol A. Kokad, learned counsel for respondent No.4, is **absent**.

2. At the request of learned P.O., S.O. to 09.09.2024 for taking instructions.

MEMBER (J)

SAS ORAL ORDER 20.08.2024

**ORIGINAL APPLICATION NO. 1044 OF 2023
(Hussaini A. Samra Vs. State of Maharashtra & Ors.)**

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

DATE : 20.08.2024

ORAL ORDER :

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

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

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

4. S.O. to 10.09.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1093 OF 2023
(Rajeev U. Saxena Vs. State of Maharashtra & Ors.)**

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

DATE : 20.08.2024

ORAL ORDER :

Shri A.S. Deshpande, 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 20.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.08.2024

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

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

DATE : 20.08.2024

ORAL ORDER :

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

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

MEMBER (J)

SAS ORAL ORDER 20.08.2024

M.A.NO. 94/2021 IN O.A.NO. 1060/2019
(Devidas D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri S.V. Suryawanshi, learned counsel for the applicant in M.A./respondent No.8 in O.A., is **absent**. Shri R.A. Shinde, learned counsel holding for Shri D.B. Thoke, learned counsel for the applicant in O.A. and Smt. R.S. Deshmukh , learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant in O.A. is requested to give intimation in writing to the counsel representing the respondent No.8 about the next date of hearing.

3. In case even then if none remained present for respondent No.8, the O.A. 1060/2019 will be heard in the absence of learned counsel representing the respondent No.8.

4. S.O. to 06.09.2024.

MEMBER (J)

M.A. No. 156/2024 in O.A. St. No. 527/2024
(Manojkumar T. Choudhar Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard 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.

2. There is a delay of 03 years, 01 month and 21 days (1146 days) caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant has filed Original Application seeking deemed date of promotion. Learned counsel submits that the applicant was subjected to Departmental Enquiry and in connection with the said Departmental Enquiry, the punishment order was passed against the applicant on 06.02.2018. However, during pendency of the said Departmental Enquiry, the respondent authorities have not followed the G.R. by keeping ACRs of the applicant in sealed envelope. Apart from this, the applicant

//2// M.A. No. 156/2024 in
O.A. St. No. 527/2024

was granted promotion on 24.05.2022 and the applicant got realized that he was not given the deemed date of promotion, though juniors to him were promoted prior to 2018. Learned counsel submits that applicant has submitted applications / representations to consider his deemed date of promotion after 24.05.2022. However, the same are yet not considered. Learned counsel submits that there is no intentional or deliberate delay as such and there is no inaction on part of the applicant. Learned counsel thus submits that the delay may be condoned.

4. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay caused in filing the accompanying Original Application, for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that there no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

//3// M.A. No. 156/2024 in
O.A. St. No. 527/2024

5. It appears that only after order of promotion dated 24.05.2022, the applicant came to know that the deemed date of promotion was not granted to him, though the Departmental Enquiry was concluded way back in the year 2018 itself. Further whether the respondent authorities have not followed the Government Circular dated 02.04.1976 and G.R. dated 22.04.1996 respectively, the same will be the matter to be considered after the Original Application is registered. However, it appears that the delay is not intentional or deliberate one. The applicant has submitted applications / representations after promotion on 24.05.2022. However, the respondent authorities have not bothered to consider the same. In view of the same, I am inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of some costs by the applicant. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 156/2024 is hereby allowed.

//4//

M.A. No. 156/2024 in
O.A. St. No. 527/2024

- (ii) The delay of 03 years, 01 month and 21 days (1146 days) caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.
- (iv) The M.A. accordingly disposed of.

MEMBER (J)

O.A. St. No. 527/2024

(Manojkumar T. Choudhar Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard 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.

2. After registration, issue notices to respondents, returnable on 23.10.2024.

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 23.10.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 874 OF 2024
(Ramkisan D. Giri Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. The office has raised objection that the subject matter lies before the Division Bench and in view of prayer clause B, the Original Application appears to be barred by limitation.

3. Learned counsel for the applicant submits that in terms of office order dated 22.08.2011, the applicant has been granted exemption from passing proficiency examination after crossing the age of 45 years. So far as to extend the benefit of higher pay scale of Modified Assured Career Progressive Scheme and to revise the pay and pension accordingly is concerned, the respondent No. 2 has already forwarded the proposal dated 02.11.2022 to respondent No. 1 and the applicant is thus seeking direction to respondent No. 1 to decide the said proposal dated 02.11.2022.

//2//

O.A. No. 874/2024

4. In view of above, since the application / representation is not submitted by the applicant in respect of which he is seeking direction, but it is a proposal submitted by the department i.e. respondent No. 2 to respondent No. 1 and the applicant is seeking direction in connection with the said proposal to respondent No. 1 to decide it expeditiously.

5. In view of the above, the objection raised by the office does not stand and the same is overruled.

6. Issue notices to the respondents, returnable on 11.10.2024.

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

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

//3//

O.A. No. 874/2024

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

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

11. S.O. to 11.10.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 959 OF 2023
(Dr. Deepali A. Gavhane-Katte Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri A.D. Gadekar, 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 05.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 885 OF 2017
(Shailesh S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that during pendency of the present Original Application, the original applicant died. Learned counsel submits that there are no instructions so far as to bring LRs on record. However, learned counsel has already forwarded communication in writing.

3. At the request of learned counsel for the applicant, S.O. to 23.09.2024 for final hearing.

MEMBER (J)

M.A. No. 221/2024 in O.A. No. 615/2024
(Dinkar R. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that during pendency of the present Misc. Application, the original applicant died. Learned counsel thus seeks time to take appropriate steps in the matter to bring LRs on record. Time granted.

3. S.O. to 20.09.2024.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 843 OF 2023
(Bhagwat M. Kavhar Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri S.N. Pawde, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 844 OF 2023
(Sunil D. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri S.N. Pawde, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2019
(Vitthal G. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri Sujit S. Kulkarni, learned counsel holding for Shri Siddharth Shinde, 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 during pendency of the present Original Application, the original applicant died. Learned counsel thus seeks time to take appropriate steps in the matter to bring LRs on record.

3. S.O. to 23.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 292 OF 2024
(Maruti V. Surwase Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

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

3. S.O. to 12.09.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

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

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

DATE : 20.08.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 30.09.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 817 OF 2023
(Vaishali N. Kattul Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 30.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

M.A. No. 93/2024 in O.A. St. No. 1879/2023
(Ashok B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri Vishal Kadam, learned counsel holding for Shri S.S. Kulkarni, 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. 3 & 4 in M.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for hearing on 24.09.2024.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 823 OF 2024
(Meera D. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

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 counsel for the applicant, S.O. to 10.09.2024.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 123 OF 2024
(Dr. Chitralekha S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present. Shri S.B. Munde, learned counsel for respondent Nos. 5 to 7, is **absent**.

2. Learned Presenting Officer has placed on record a copy of Government order dated 29.02.2024 and submits that the applicant has been given posting of her choice. Copy of the said Government order is taken on record and marked as document 'X' for identification.

3. Learned counsel for the applicant seeks time to take instructions from the applicant in this regard. Time granted.

4. S.O. to 21.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 174 OF 2017
(Dr. Madhav F. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 27.08.2024 as a last chance for final hearing.

MEMBER (J)

O.A. Nos. 498, 499, 500 & 501 all of 2024
(Kisanrao P. Patil & 3 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri A.R. Borulkar, learned counsel for the applicants in all these O.As. (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in all these O.As., is present.

2. Even though the circulations are obtained in all these O.As., none present for the applicants.

3. S.O. to 03.09.2024.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 761 OF 2024

(Bhushan A. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 23.09.2024.

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

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

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

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

7. S.O. to 23.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 827 OF 2024
(Yashwant N. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. The office has raised an objection that the Original Application is barred by limitation in view of prayer clause A to C.

3. The applicant is directed to file application seeking condonation of delay.

4. S.O. to 04.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 848 OF 2024
(Shahu S. Jaswantsngh S. Hazurasingh Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri S.N. Pawde, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. The office has raised an objection that the Original Application is barred by limitation.

3. Learned counsel for the applicant seeks time to file application seeking condonation of delay. Time granted.

4. S.O. to 05.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 892 OF 2024

(Pandurang S. Murke Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Leave to correct the prayer clause 12(A) to the extent of mentioning the date of request application filed by the applicant with respondent No. 2.

3. Issue notices to the respondents, returnable on 19.09.2024.

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

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

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

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

8. S.O. to 19.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 893 OF 2024
(Akshay S. Kharpude Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 21.08.2024.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

ORIGINAL APPLICATION NO. 894 OF 2024
(Shashikant N. Deulgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri B.G. Sagade Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, S.O. to 21.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 905 OF 2024
(Satish E. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 21.08.2024.

MEMBER (J)

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

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

DATE : 20.08.2024

ORAL ORDER :

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

2. The Original Application is hereby allowed.
Reasons to follow.

MEMBER (J)

ORIGINAL APPLICATION NO. 830 OF 2018
(Shailendra H. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri M.V. Bhamre, learned counsel for respondent No. 5, are present.

2. It is a part heard matter. By consent, S.O. to 28.08.2024 for further hearing.

MEMBER (J)

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

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Hearings complete. The present matter is reserved for orders.

MEMBER (J)

M.A. No. 604/2019 in O.A. St. No. 2158/2019
(Venkat S. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 04.09.2024 for instructions as a last chance.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

M.A. No. 178/2022 in O.A. St. No. 447/2022
(Ratnabai B. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri M.R. Wagh, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 11.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

M.A. No. 122/2023 in O.A. St. No. 418/2023
(Rukhmin S. Mendhake Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri Ashish Rajkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay. Time granted.
3. S.O. to 06.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

M.A. No. 485/2023 in O.A. St. No. 1450/2023
(Balbir Singh J. Tyagi Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri V.G. Deshmukh/S.S. Tope, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 15.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

**M.A. 101/2024 in M.A. 209/2022 in OA St. 108/2021
(Ashok R. Jujgar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.08.2024

ORAL ORDER :

Shri M.R. Kulkarni/Mujahed Hussain, 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 16.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

M.A. No. 256/2024 in O.A. No. 158/2024
(Sandip K. Kiratwad Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant (**Leave Note**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 24.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.08.2024

Special Board of ensuing Lok Adalat

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

DATE : 20.08.2024

ORAL ORDER :

Shri Vishnu Kande, learned counsel holding for Shri Ajinkya Reddy, learned counsel appearing for respondent No. 2 in O.A. 1026/2023, respondent No. 3 in O.A. 379/2023 & 708/2023 and respondent No. 6 in O.A. No. 395/2022 submits that the respondents to whom he is representing are not willing to place those matters in the ensuing Lok Adalat.

2. It appears that these matters are identified as fully covered by the ratio laid down by the Hon'ble Supreme Court in a case of **State of Punjab and Others Vs. Rafiq Masih (White Washer) etc., (2015) 4 Supreme Court Cases 334**. In view of the same, the respondents as above in the aforesaid O.As. shall remain present in person before this Tribunal on the next date of hearing.

3. So far as other matters are concerned, in most of other matters, all the Advocates have filed their consent in the office.

4. S.O. to 21.08.2024.

MEMBER (J)

O.A. 884/2017, O.A. 886/2017, O.A. 887/2017, O.A. 888/2017, O.A. 889/2017, O.A. 890/2017, O.A. 891/2017, O.A. 892/2017, O.A. 893/2017, O.A. 894/2017 and O.A. 895/ 2017

(Prabhakar D. Mali & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Heard Shri Shri Mohit Deshmukh, 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.

Shri Vivek Deshmukh, learned counsel for the respondent No. 5 in O.A. Nos. 884, 888, 892 & 893 all of 2017, Shri N.K. Tungar, learned counsel for respondent No. 5 in O.A. Nos. 886 & 895 both of 2017, Shri Abhijit More, learned counsel for respondent No. 5 in O.A. No. 887/2017 and Shri B.R. Sontakke Patil, learned counsel for respondent No.5 in O.A. No. 891/2017, are **absent**.

2. Learned counsel for the applicants submits that he has given intimation to the counsel Shri N.K. Tungar and Vivek Deshmukh, representing for respondent No. 5 twice about the today's hearing date. However, despite the said intimation, none present for respondent No. 5 today.

//2//

3. Learned counsel for the applicants is requested to give intimation to Shri Vivek Deshmukh, Shri N.K. Tungar, Shri Abhijit More and Shri B.R. Sontakke Patil, representing for respondent No. 5 in respective matters in writing.

4. S.O. to 10.09.2024 for final hearing.

5. It is further made clear that in case if the respondent No. 5 as above remained absent on the next date of hearing, the present matters will be heard in the absence.

MEMBER (J)

ORIGINAL APPLICATION NO. 568 OF 2022
(Shivkanta Jaising Honwadajkar Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. S.O. to 22.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.08.2024-HDD

ORIGINAL APPLICATION NO. 802 OF 2024
(Sandu Yashvant Dongare Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Ms. Jayshree Dongre, learned counsel holding for Shri Swaraj S. Tandale, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant seeks time. Time granted.
3. S.O. to 06.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 405 OF 2024
(Sachin Badrinath Jadhav Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri K.B. Jadhav, 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 for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 10.10.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 25/2024 IN O.A.NO. 385/2021
(Sachin Bhanudas Jadhav Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri K.B. Jadhav, 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 for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 10.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.08.2024-HDD

C.P.NO. 26/2024 IN O.A.NO. 478/2021
(Syed Mujahed Syed Qutabuddin Vs. The State of Maharashtra &
Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri K.B. Jadhav, 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 for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 10.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.08.2024-HDD

C.P.NO.12/2024 IN O.A.NO. 651/2021
(Dr. Shivaji Dadarao Birare Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Learned counsel for the applicant also submits that he will place on record up-to-date information on the next date.

3. S.O. to 20.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.08.2024-HDD

ORIGINAL APPLICATION NO. 537 OF 2024
(Prashant Pitambar Sonawane Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri Ajay Deshpande, learned Special counsel for the respondent authorities, are present.

2. Learned Special counsel seeks time to file affidavit in reply on behalf of the respondents. Time granted.
3. S.O. to 10.09.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 27/2023 IN O.A.NO. 681/2019
(Damodhar G. Thengde Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Smt. Supriya Bhillegaonkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered communication dated 20.08.2024 received to the office of Chief Presenting Officer, wherein it is contended that the respondents are in the process of complying the order passed by this Tribunal, therefore, four weeks' time has been sought. The communication is taken on record. Time granted as prayed for.

3. S.O. to 23.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 789 OF 2024
(Bappasaheb Lahu Kokat Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 20.08.2024

ORAL ORDER :

Shri Rahul A. Shinde, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. Learned C.P.O. submits that if necessary the affidavit in reply also will be filed on behalf of res. No. 1.

4. Learned counsel appearing for the applicant seeks leave to delete respondent No. 3 from the array of the respondents.

5. Leave granted as prayed for. The necessary amendment be carried out forthwith.

6. S.O. to 05.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 448 OF 2024
(Kiran Bhimrao Patil Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that no rejoinder affidavit is to be filed. List the matter for hearing on 09.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 796 OF 2024
(Mohan Hanumant Pokale Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 18.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 876 OF 2023
(Umakant Bhaskar Patil Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri U.S. Mote, learned counsel holding for Shri Bharat R. Waramaa, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that rejoinder affidavit is not to be filed. List the matter for hearing on 06.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 71 OF 2024
(Dr. Dadasaheb W. Salunke Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

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

2. In the present matter the Hon'ble High Court has issued certain directions and expedited hearing of the matter. Learned Chief Presenting Officer seeks time to file affidavit in reply. Having regard to the orders passed by the Hon'ble High Court two weeks' time is granted by way of last chance.

3. S.O. to 05.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 491 OF 2024
(Ashwini Sudam Deshmukh Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Shri A.S. More, learned counsel for the applicant 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. In the interest of justice time is granted by way of last chance. If the affidavit in reply is not filed, the matter will be heard without affidavit in reply on the same date.

3. S.O. to 05.09.2024.

MEMBER (A)

VICE CHAIRMAN

T.A.NO. 13/2022 (W.P.NO. 8626/2022)
(Sudam Shivaram Mahajan Vs. The State of Maharashtra & Ors.)

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

DATE : 20.08.2024

ORAL ORDER :

Ms. Vaishali Suryawanshi Birajdar, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent No. 6, are present.

2. Affidavit in reply has already been filed on behalf of respondent Nos. 1 & 2. Learned Presenting Officer submits that respondent Nos. 3, 4 & 5 may not be required to file any separate affidavit in reply. Private respondent has also filed affidavit in reply. List the matter for hearing on 03.10.2024.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 20.08.2024

ORAL ORDER :

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

2. Perused the documents filed on record. The learned counsel Shri Avinash S. Deshmukh appearing for respondent Nos. 9 & 12 has tendered short affidavit sworn by respondent No. 9. The same is taken on record. The present matter was heard yesterday for some time and for taking updated information as about the process of promotion learned Chief Presenting Officer was required to take instructions and place the necessary information on record today. Accordingly, learned CPO has placed on record short note under his signature and same is taken on record. Copy of the same is given to all concerned.

3. It is the grievance of the present applicants that by deleting clause 3 in the G.R. dated 30-11-2022 vide G.R. dated 15-04-2024 grave injustice has been caused to the applicants, as the chances of their promotion are adversely affected. Learned Counsel for the applicants made elaborate submissions referring to the G.Rs. placed on record in the present matter pertaining to the absorption of the employees working in the Soil & Water Conservation Department and Water Resources Department and more particularly in the Soil and Water Conservation Commissionerate established at Aurangabad. Learned Counsel submitted that as per G.R. dated 31-05-2017 the officers were called upon to exercise their options whether they want to be retained in their parent department i.e. Water Resources Department or desire to be absorbed in the Soil and Water Conservation Commissionerate. Such options were to be exercised before 15-07-2017.

4. From the documents on record, it appears that private respondents in the present matter exercised their options after expiry of the stipulated period. Learned Counsel appearing for the applicants submitted that considering the aforesaid fact adequate protection was granted to the officers in the similar cadre working in the Soil and Water Conservation Department by

incorporating clause 3 in the G.R. dated 30-07-2022. Vide said clause 3 all such officers were to be placed in the seniority list below the officers who were given promotions vide order dated 30-06-2021. The applicants in the present O.A. are those officers who are promoted vide the said order. Learned Counsel for the applicants submitted that by making subsequent resolution i.e. resolution dated 15-04-2024 the said clause 3 has been deleted meaning thereby that all those officers and more particularly the private respondents now are likely to be placed in the seniority list above the applicants in the present O.A.

5. Learned Counsel Shri S.D.Joshi submitted that only after realizing that there are less chances of their promotion in the parent department, the private respondents have opted for absorption in the Soil and Water Conservation Department. Learned Counsel further submitted that now when it is the turn of the applicants who are since beginning in the Soil and Water Conservation Department, the impugned resolution has been issued, prejudicially affecting their chances of promotion. In the circumstances, learned Counsel has prayed for interim relief thereby directing the respondents not to effect the promotions on the post of

District Water Conservation Officer till decision of the present O.A.

6. The prayer so made by the applicants has been opposed by the learned CPO and both the learned Counsel appearing for private respondents. Referring to the averments in the short note tendered today on record, learned CPO submitted that the applicants are wrongly interpreting the provisions made in the subsequent G.R. Learned CPO submitted that the promotions will be effected as per the Rules of 2019, wherein the complete methodology is provided and ratio is also provided for making such promotions. Learned CPO pointed out that, for promotions of the applicants provisions made in Rule 6(b) of the Rules of 2019 would apply whereas for promotions of respondent nos.7 to 12, Rule 6 would apply of the said Rules of 2019. Learned CPO submitted that if the said procedure is adopted neither the applicants are likely to be adversely affected nor any undue advantage is given to the private respondents. Learned CPO, therefore, submitted for rejecting the request of the applicants for grant of interim relief.

7. It is the contention of learned Counsel S/Shri Ajay Deshpande and Avinash Deshmukh that raising challenge to clause 3 in the G.R. dated 30-11-2022 two

O.As. are already filed before the Principal Seat of the Tribunal at Mumbai and both the O.As. are still pending. Learned Counsel submitted that in the present matter, there is no challenge to the G.R. dated 30-11-2022 whereby absorption of the respondent nos.7 to 12 is directed. It is further contended that, if absorption is not under dispute then after completing the period of three years, all these respondents would be equally entitled and eligible for their promotions to the next higher post i.e. District Water Conservation Officer.

8. We have duly considered the submissions made across the bar. The claim of the applicants is based on clause 3 of the G.R. dated 30.11.2022, whereby the applicants were to get higher position in the seniority list and respondent Nos. 7 to 12 and the similarly situated other officers were to be placed below them in the list of seniority. Since the said clause is now deleted vide another G.R. dated 15.04.2024, the applicants have approached this Tribunal. Though the learned counsel for the applicants submitted that after issuance of the G.R. dated 15.04.2024 the purpose of the respondents behind filing the applications bearing O.A. Nos. 313 & 314 both of 2022 is satisfied and as such there is no meaning to the oppose of the said respondents, on the ground that the said OAs are pending, submission so

made is difficult to be accepted since the applicants have raised challenge to deletion of said clause 3 in the present O.A.

9. In the circumstances, we are not inclined to grant any interim relief as has been prayed for by the applicants. However, it has to be observed that having considered the fact that both resolutions are under challenge it would be sufficient to state that any promotion effected in the meanwhile period will be subject to outcome of the present Original Application. In premise of the fact that clause 3 in the Government Resolution dated 30.11.2022 is under challenge in O.A. Nos. 313 & 314 both of 2022 filed before the Principal Seat of this Tribunal at Mumbai, it does not appear to us that any interim relief as has been prayed by the applicants can be granted in their favour. Learned counsel for the applicants submitted that it would be in the interest of all parties controversy is resolved finally and in the circumstances he prayed for giving directions to the respondents to file their affidavit in reply at the earliest. Hence, the following order: -

ORDER

(i) Issue notice to respondents, returnable on 10.09.2024. Respondent shall positively file the affidavits in reply by the said date.

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

(iii) 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.

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

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

(vi) **Promotions made in the meanwhile period shall be subject to outcome of the present O.A.**

(vii) S.O. to 10.09.2024.

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

MEMBER (A)

VICE CHAIRMAN