

ORIGINAL APPLICATION NO. 1087/2024
(Rahul S. Kumawat Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri V.K. Jadhav, Member (J)**
[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : **20.09.2024**

ORAL ORDER :

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

2. Leave to add Shrikant Chandrbhan Avhad as party respondent in connection with whom the applicant has made specific prayer (B) in the present Original Application. The learned counsel for the applicant is also directed to remove the other office objections by the next date.

3. S.O. to 23.09.2024.

MEMBER (J)

M.A. NO. 415/2024 IN O.A. NO. 783/2024
(Suman Bajirao Nandre Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

Shri Ojas A. Deshpande, learned counsel holding for Shri Shailesh S. Chapalgaonkar, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. The office has raised objection about the territorial jurisdiction. The learned counsel for the applicant seeks time to make his submissions. Time granted.

3. S.O. to 27.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1086/2024
(Vijay Kaduji Shirsat Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 24.10.2024.

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 24.10.2024.

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

MEMBER (J)

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. Shri Kawade, learned counsel holding for Shri Thorat, learned counsel for the applicant submits that the relevant documents are not yet received for substituting the deceased applicant by his legal representatives. He, therefore, seeks some time. Time granted.

4. S.O. to 23.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 502/2017
(Public Prosecutors Association, M.S., through its President and Vice President Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 22.10.2024 for final hearing.

MEMBER (J)

M.A. NO. 157/2024 IN O.A. ST. NO. 906/2024
(Lakhan K. Mukade Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. Not on Board. Taken on Board today.

3. Learned counsel for the applicant submits that inadvertently the cost amount, as was directed by this Tribunal vide order dated 01.08.2024 passed in M.A. No. 157/2024 in O.A. No. 906/2024, has not been deposited in the office.

4. In view of above, time for depositing costs amount is extended for another one week.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 307/2022
(Chandrabhan V. Veer Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. S.O. to 18.11.2024 for hearing.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 262/2023
(Bharat A. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. With consent of both the sides, S.O. to 04.10.2024 for admission hearing with liberty to other side to file affidavit in reply, if any, till then.

MEMBER (J)

Later on:-

4. Learned Presenting Officer submits that respondent no. 04 is adopting the affidavit in reply filed on behalf of respondent nos. 03 and 06 to 08.

5. S.O. to 04.10.2024 for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 420/2023
(Mamta V. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

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. Shri Y.M. Patil/Smt. Archana Pawar, learned counsel for respondent no. 03 **(absent)**.

2. S.O. to 18.11.2024 for admission hearing.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 767/2023
(Krishna Borde Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 14.10.2024 for hearing.
3. The interim relief granted earlier to continue till then.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 768/2023
(Appasaheb S. Abak Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 14.10.2024 for hearing.
3. The interim relief granted earlier to continue till then.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 770/2023
(Deepak Wadkute Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri W.W. Ware, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant submits that today the applicant is going to file Misc. Application seeking amendment in the O.A.

3. Office to list the Misc. Application with the present O.A. on 07.10.2024.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 903/2023
(Veena A. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Smt. P.R. Arakh, learned counsel holding for Shri M.L. Wankhade, 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 08.10.2024 for admission hearing.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent nos. 03 and 04. It is taken on record and copy thereof has been supplied to learned counsel for the applicant.

3. S.O. to 09.10.2024 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 914/2022

(Uma Ganesh Rajput wd/o deceased M.O. Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri D.B. Pawar - Pathrekar, learned counsel for the applicant (**absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent no. 03 with spare copy for the use of learned counsel for the applicant.

03. List the matter for filing rejoinder, if any, by the applicant on 13.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 961/2022
(Smt. Sunanda Shrish Harsulkar Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that even though the last chance was granted to the respondents for filing their affidavit in reply, the same has not been filed till this date.

3. In view of above, list the matter for admission hearing on 28.10.2024 with liberty to the respondents to file their affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 427/2024
(Idris Hannumiya Bagwan Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent no. 03. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant. Learned P.O. submits that other respondents may adopt the affidavit in reply filed by respondent no. 03, however, if they choose to file different reply, that liberty may be granted. Liberty as prayed for is granted.

3. S.O. to 24.10.2024 for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 428/2024
(Dhananjay D. Gunale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent no. 03. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant. Learned P.O. submits that other respondents may adopt the affidavit in reply filed by respondent no. 03, however, if they choose to file different reply, that liberty may be granted. Liberty as prayed for is granted.

3. S.O. to 24.10.2024 for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 595/2024
(Ramesh D. Navsupe Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. Learned counsel has tendered across the bar the rejoinder affidavit of the applicant to the affidavit in reply of respondent no. 4.

3. List the matter for admission hearing on 23.10.2024.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 629/2024
(Vilas S. Harel & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri H.S. Bali, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 22.10.2024 for filing affidavit in reply by the respondents.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 1016/2024
(Vishwanth K. Zunjare Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 27.09.2024.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

M.A. NO. 305/2024 IN O.A. NO. 657/2024
(Sudhir G. Bendale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 20.09.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent nos. 02 and 03 in the Misc. Application. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant.

3. List the matter for admission hearing on 23.10.2024.

MEMBER (J)

ARJ ORAL ORDER 20.09.2024

M.A. NO. 314/2024 IN O.A. NO. 728/2024
(Sikandar V. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent no. 03 in the Misc. Application. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant. Learned P.O. submits that other respondents will adopt the affidavit in reply filed by respondent no. 03.

3. List the matter for admission hearing on 14.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 628/2024
(Pranali Sonawane Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri V.K. Jadhav, Member (J)**
[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : **20.09.2024**

ORAL ORDER :

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

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 01 to 03. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant.
3. S.O. to 09.10.2024 for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 692/2024

(Kadir Hamid Patel Sonawane Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri V.K. Jadhav, Member (J)**

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : **20.09.2024**

ORAL ORDER :

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

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 04 and 05. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant. Learned P.O. submits that affidavit in reply of other respondents is not required.

3. S.O. to 11.10.2024 for filing rejoinder affidavit.

MEMBER (J)

O.A. NO. 898/2024 WITH CAVEAT NO. 45/2024
(Trupti U. Sandbhor Vs. State of Maharashtra & Ors.)

CORAM : **Justice Shri V.K. Jadhav, Member (J)**
[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : **20.09.2024**

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, 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 tendered affidavit in reply on behalf of respondent no. 01. It is taken on record and copy thereof has been supplied to the learned counsel for the applicant. Learned C.P.O. submits that other respondents will adopt the affidavit in reply filed by respondent no. 01.

3. List the matter on 10.10.2024 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (J)

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

Original Application No. 25 OF 2024

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

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

DATE : 20.09.2024

ORAL ORDER :

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

2. Shri R.L. Chintalwar, learned for has tendered rejoinder affidavits of respective applicants in O.A. Nos. 551/2022, 552/2022, 554/2022, 555/2022, 556/2022, 557/2022, 559/2022, 561/2022, 562/2022, 550/2022, 553/2022, 560/2022 and 558/2022. The same are taken on record and copies thereof are supplied to other side.

3. Shri P.M. Shinde, learned counsel seeks time to file rejoinder affidavits of respective applicants in O.A. Nos. 563, 564, 565 and 566 all of 2022.

4. S.O. to 24.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1111 OF 2024
(Dr. Gopal Madhavrao Kudlikar Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 01.10.2024.
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.

//2// O.A. 1111/2024

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 01.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 1118 OF 2024
(Leena Shantaram Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant is working as a Craft Instructor at Government Industrial Training Institute, Vadwani, Tal. Vadwani, Dist. Beed and after completing the full tenure, by impugned order dated 31.08.2024 (Annexure 'A-1'), the applicant came to be transferred from Vadwani, Tal. Vadwani, Dist. Beed to Jamgavhan, Tal. Kalamnuri, Dist. Hingoli. Learned counsel for the applicant submits that the applicant's mother is suffering from Cancer and in terms of G.R. dated 09.04.2018, Sr. No.6 of statement- 2 annexed with annexure- 1, the applicant should have been given the posting at the place of her choice. However, the same has not been done even though the applicant has exercised her choice at Jalna. Learned counsel for the applicant

//2// O.A. 1118/2024

on instructions further submits that the applicant is not relieved so far and no other employee has been posted at Vadwani on her post. Even considering the same the department itself has not relieved the applicant from Vadwani to Jamgavhan.

3. Learned Presenting Officer on instructions submits that though the applicant is yet not relieved, however the post which she was holding prior to her transfer by impugned order has now been abolished. Learned P.O. submits that except the centre Jalna the applicant has not given any other choice.

4. **Thus considering the entire aspect of the case, the respondents are directed to maintain the status quo as on today, since the applicant is yet not relieved from her present place of working i.e. at Vadwani.**

5. Issue notice to the respondents, returnable on 04.10.2024.

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

//3// O.A. 1118/2024

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 04.10.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 616 OF 2018
(Kokane G. Revana Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Heard Shri Asif Ali, learned counsel holding for Smt. A.N. Ansari, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned P.O. seeks time to comply with the directions given in the order dated 08.08.2024. Time granted.

3. Learned P.O. is directed to keep the respondent No.3 i.e. the Tahsildar, Omerga, Tal. Omerga, Dist. Osmanabad present in person before this Tribunal on the next date of hearing along with record.

4. S.O. to 03.10.2024 for hearing in **urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 833 OF 2021
(Deepali Y. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Heard Shri R.A. Shinde, learned counsel holding for Shri D.B. Thoke, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for respondent No.4.

2. The present matter is reserved for order.

MEMBER (J)

ORIGINAL APPLICATION NO. 751 OF 2023
(Sakharam M. Ghodke M. Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. I have heard learned counsel for the applicant on the last date.

3. S.O. to 14.10.2024 for production of citations by the parties.

MEMBER (J)

M.A.No. 133/2023 In O.A.St.No. 264/2023
(Yashoda A. Rathod & Ors. Vs. State of Maharashtra & Ors.)

WITH

M.A.No. 135/2023 In O.A.St.No. 266/2023
(Sahebjaan Gulab @ Babu Tadvi & Ors. Vs. State of Maharashtra & Ors.)

WITH

M.A.No. 137/2023 In O.A.St.No. 306/2023
(Chaya K. Avhad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri A.S. Bayas, learned counsel for the applicants in all these cases has filed a **leave note**. Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities in all these cases, is present.

2. In view of leave note of learned counsel for the applicants, S.O. to 25.11.2024 for hearing.

MEMBER (J)

**M.A.NO. 361/2023 IN O.A.ST.NO. 1150/2023
(Arvind N. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 20.09.2024

ORAL ORDER :

Shri S.A. Kulkarni, learned counsel for the applicant, is **absent**. Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 26.11.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 20.09.2024

M.A.NO. 530/2023 IN O.A.ST.NO. 2216/2023
(Shaikh Mumtaj Shaikh Ibrahim Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. There is a delay of 6 years and 38 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant was initially appointed in the year 1980 as a Police Constable and finally retired on the post of A.S.I. from the office of respondent No.3 on 31.07.2017 on attaining the age of superannuation. Learned counsel for the applicant further submits that by order dated 01.10.2016 the pay of the applicant was revised by the respondent No.3 and in terms of the said revision of pay the respondent No.3 directed to recover the amount of Rs. 65,354/- which has been wrongly paid to the applicant during the period of 01.09.2000 to 30.06.2016, from his salary. Accordingly, the said amount came to be recovered from the salary of the applicant by

//2// M.A. 530/2023 in
O.A.St. 2216/2023

monthly 10 equal instalments from the month of October, 2016 onwards.

4. Learned counsel for the applicant submits that though the applicant has orally requested not to deduct the said amount from his salary as he was on the verge of retirement, however his request was not considered. Learned counsel for the applicant submits that after retirement the applicant was subjected to various health problems for which he had to take the treatment in the various hospitals. Those medical bills and certificates are annexed to this Misc. Application. Learned counsel for the applicant submits that further in view of outbreak of Covid-19 pandemic situation and imposition of lockdown and extension thereof from time to time, the applicant could not approach this Tribunal till the year 2022. In the year 2023, the applicant has submitted an application/representation dated 18.10.2023 for refund of the amount, however the department has not taken any action on it. There is no intentional or deliberate delay as such nor there is any inaction on the part of the applicant. Further the applicant is prevented from sufficient cause to approach this Tribunal within time. The delay may be condoned.

//3// M.A. 530/2023 in
O.A.St. 2216/2023

5. Learned Presenting Officer has strongly resisted the application on the ground that before retirement the excess amount has been recovered from the salary of the applicant and immediately before retirement or after retirement the applicant should have approached this Tribunal. However, the applicant has slept over his rights for years together. There is total inaction on the part of the applicant. There is no substance in the Misc. Application seeking condonation of delay. The application may be rejected.

6. It appears that due to wrong pay fixation certain excess amount has been paid to the applicant during his service tenure. However, the revised pay fixation was down within the period of one year before his retirement and certain amount came to be recovered in 10 equal instalments from the salary of the applicant. The applicant as it appears from the annexures suffering from various health issues after his retirement in the year 2017. He has approached to the various hospitals i.e. Dr. Takalkar Skin Care Hospital, Asian Dental Care Centre, Paithankar Hospital and the Seth Nandlal Dhoot Hospital, Aurangabad for his stomach surgery etc.

//4// M.A. 530/2023 in
O.A.St. 2216/2023

Further, due to outbreak of Covid-19 pandemic situation and extension of the lockdown for indefinite period, the applicant could not approach this Tribunal within stipulated period. The Hon'ble Supreme Court in **Suo Motu Writ Petition (C) No. 3 of 2020** has passed the orders time to time in the backdrop of the outbreak of Covid-19 and the declaration of the lockdown in connection thereto and thus extended the period of limitation applicable to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

7. Thus considering the entire aspect of the case I am of the opinion that the applicant is prevented from sufficient cause to approach this Tribunal within stipulated time. I am thus inclined to condone the delay subject to certain costs. Hence, the following order:-

ORDER

- (i) The Misc. Application No. 530/2023 is hereby allowed.

//5// M.A. 530/2023 in
O.A.St. 2216/2023

- (ii) The delay of 6 years and 38 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. 1,000/- (One Thousand only) to be paid by the applicant. The amount of costs to be paid to the Bar Association of this Tribunal within one month and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.
- (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)

ORIGINAL APPLICATION ST.NO. 2216 OF 2023
(Shaikh Mumtaj Shaikh Ibrahim Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 20.11.2024.

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.

//2// O.A.St.No. 2216/2024

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 20.11.2024.

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

MEMBER (J)

SAS ORAL ORDER 20.09.2024

M.A. No. 171/2024 in O.A. St. No. 356/2024
(Dattatray M. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Heard Shri V.B. Kulkarni, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, S.O. to 04.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 20.09.2024

M.A. No. 424/2024 in O.A. No. 545/2023
(Vaishali A. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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 Presenting Officer, S.O. to 01.10.2024.

MEMBER (J)

KPB ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 576 OF 2021
(Atmaram M. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

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. By consent, S.O. to 14.11.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 644 OF 2021
(Dilip B. Wani Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Smt. Jayshri Dongre, learned counsel holding for Smt. Suchita Dhongde, 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 21.11.2024 for hearing.

MEMBER (J)

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

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

DATE : 20.09.2024

ORAL ORDER :

Shri S.R. Shirsath, 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 26.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 230 OF 2023
(Rakhi C. Janwale Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

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.

2. At the request of learned counsel for the applicant, S.O. to 28.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 923 OF 2023
(Yunus Saybu Tadavi Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

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

2. By consent, S.O. to 25.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1025 OF 2023
(Sangita B. Lonari Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri N.N. Bhagwat, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.R. Wani, learned counsel holding for Shri G.V. Wani, learned counsel for respondent No. 4, are present.

2. At the request of learned counsel for respondent No. 4, S.O. to 14.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 91 OF 2024
(Prashant R. Bibrle Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Shri A.T. Ghute, 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 spare copy for the applicant.

3. S.O. to 22.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)
**(This matter is placed before the Single Bench
due to non-availability of Division Bench)**

DATE : 20.09.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants (**Absent**). Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for respondent Nos. 7 & 8, Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent Nos. 9 & 12 and Shri P.D. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for respondent No. 11, are present.

2. Learned Chief Presenting Officer submits affidavit in reply on behalf of respondent No. 1. Same is taken on record along with spare copy for other side.

3. S.O. to 01.10.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

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

ORIGINAL APPLICATION NO. 340 OF 2024
(Kailas Bhaurao Khade & 03 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.09.2024

ORAL ORDER :

Heard Shri S.S. Kurundkar, learned counsel for the applicant in O.A. No. 332/2024, Shri V.B. Wagh, learned counsel for the applicants in O.A. No. 340/2024 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As.

2. The connected matters bearing O.As. Nos. 319, 320, 321, 322, 323, 341 & 342 all of 2024 have been dismissed by this Tribunal. Being aggrieved by the same, the applicants therein have approached to the Hon'ble High Court of Bombay, Bench at Aurangabad by filing W.P. No. 8574/2024 and connected W.Ps. By common judgement and order dated 06.09.2024, the Division Bench of Hon'ble High Court of Bombay, Bench at Aurangabad has dismissed the said W.Ps. However, considering the protection granted by this Tribunal since March 2024, the Hon'ble High Court has further directed that the petitioners therein shall join their places of transfer on the first working day after the Diwali holidays.

//2// O.A. 332 & 340 both of 2024

3. In view of above, nothing survives for further consideration in the present Original Applications. Though the applicants in both the Original Applications are entitled for the similar protection as has been granted by the Hon'ble High Court in the aforesaid W.Ps., learned counsel appearing for the applicants in O.A. No. 340/2024 on instructions submits that the applicants may not opt for the similar relief, as they are ready to join the place of transfer. So far as the applicant in O.A. No. 332/2024 is concerned, learned counsel for the applicant submits that he may be granted protection. Thus the applicant in O.A. No. 332/2024 shall join the place of transfer on the first working day after the Diwali holidays.

4. Learned counsel appearing for the applicants in both the Original Applications submit that there is an issue about the payment of salary from the date of transfer of the applicants till today.

5. In view of the same, the applicants are at liberty to file appropriate application/representation before the respondent authorities and upon filing the same, the respondent authorities shall decide it on its own merits considering the fact that this Tribunal

//3// O.A. 332 & 340 both of 2024

by order in the month of March, 2024 has protected the applicants.

6. O.A. No. 332/2024 and 340/2024 are accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 20.09.2024

ORIGINAL APPLICATION NO. 503 OF 2024
(Emam Najir Mirza Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
[This matter is placed before the Single Bench due to non-availability of Division Bench]

DATE : 20.09.2024

ORAL ORDER :

Shri B.P. Gonare, learned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 20.09.2024-HDD

ORIGINAL APPLICATION NO. 28 OF 2023
(Vijay Rajendra Sarole Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
[This matter is placed before the Single Bench due to non-availability of Division Bench]

DATE : 20.09.2024

ORAL ORDER :

Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

Shri K.F. Shingare, learned counsel for respondent No. 3 (**absent**).

2. S.O. to 08.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
[This matter is placed before the Single Bench due to non-availability of Division Bench]

DATE : 20.09.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri Kakasasheb 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 09.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 20.09.2024-HDD

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
[This matter is placed before the Single Bench due to non-availability of Division Bench]

DATE : 20.09.2024

ORAL ORDER :

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

2. S.O. to 09.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
[This matter is placed before the Single Bench due to non-availability of Division Bench]

DATE : 20.09.2024

ORAL ORDER :

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

2. S.O. to 09.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 20.09.2024-HDD

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
[This matter is placed before the Single Bench due to non-availability of Division Bench]

DATE : 20.09.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri Vishal Rathod, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 & 4, are present.

2. S.O. to 08.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 376 OF 2022
(Abhilash Vilas Gore Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
[This matter is placed before the Single Bench due to non-availability of Division Bench]

DATE : 20.09.2024

ORAL ORDER :

Shri V.T. Patil, learned counsel holding for Shri O.Y. Kashid, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 04.10.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 20.09.2024-HDD