

**M.A. 411/21 WITH M.A. 126/19 IN OA ST. 534/2019  
(Sachin Waghmare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Amol Gandhi, learned counsel for the applicant, Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri SB Mene, learned counsel for respondent no. 2.

2. Misc. Application No. 126/2019 filed by the applicant for condonation of delay of 1 year, 2 months & 9 days occasioned in filing O.A. St. No. 534/2019 and O.A. itself were dismissed by the Tribunal vide order passed on 20.11.2019 for want of prosecution.

3. Present M.A. No. 411/2021 has been filed by the applicant for condonation of 9 months & 11 days delay occasioned in filing the application for restoration of M.A. No. 126/2019 and O.A. St. No. 534/2019, which were dismissed by the Tribunal vide order dated 20.11.2019 for want of prosecution.

4. The learned counsel submits that because of inadvertence and communication gap in between him and the applicant the matter remained unattended and in the meantime Pandemic started and that is the reason

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IN OA ST. 534/2019**

the orders could not be noticed and restoration could not be filed within stipulated time.

5. The learned CPO submitted for passing appropriate orders.

5. Considering the reasons mentioned in the present M.A. the same deserves to be allowed. Hence, the following order is passed :-

**ORDER**

(i) M.A. No. 411/2021 stands allowed however without any order as to costs.

(ii) The delay caused in filing the present M.A. is condoned.

(iii) M.A. NO. 126/2019 AND O.A. ST. 534/2019 are restored to their original file and the same be listed for hearing on 8.2.2023.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1065/2022**  
**(Smt. Ujjwala L. Wankar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande, learned counsel for the applicant, Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent no. 4.

2. Aggrieved by order dated 29.11.2022 passed by respondent No. 1, whereby the applicant has been transferred to Jalna as the Commandant of State Reserve Police Force (for short 'SRPF') Unit No. 3, Jalna from the post of Deputy Commissioner of Police, Aurangabad (City), the applicant has preferred the present OA.

3. The applicant was posted as Deputy Commissioner of Police Aurangabad (City) w.e.f. 21.9.2021. It is the contention of the applicant that she was sincerely and whole heartedly discharging the duties of the said post and hence was awarded with 'D.G. Insignia Award' on 30.4.2022. It is the

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case of the applicant that though she was not due for transfer she has been transferred by respondent No. 1 to Jalna as a Commandant of SRPF, Group-3 in the midst of academic year and before completion of her usual tenure on the present post. It is her further contention that respondent No. 4 who has been brought back on her post had already completed his full tenure at Aurangabad on the said post and though was transferred at Jalna as the Commandant of SRPF, Group-3 did not resume charge of the said post. It is also the contention of the applicant that her midterm transfer has caused severe hardship to her and her family members. It is contended that education of son of the applicant who is studying in 9<sup>th</sup> standard in Cambridge School at Aurangabad will be disturbed. It has also been contended that the applicant is having responsibility to take care of her ailing parents.

4. Apart from the reasons as aforesaid it is the grievance of the applicant that she has been transferred on some untenable grounds and according to her, it is stigmatic and punitive transfer. Applicant has alleged that the norms laid

down for effecting transfers, as well as, procedure prescribed for handing over the charge by one officer to another have been blatantly violated. According to the applicant, she was not physically served with the impugned order of transfer. It is also contended that respondent No. 4 who has been posted on her post did not inform as to when he will be joining or resuming the charge of the transferred post and ignoring such provisions said respondent has unilaterally taken charge of the subject post.

5. The applicant has alleged that she was being constantly humiliated by respondent No. 3. The applicant has given certain instances in that regard. Applicant has further averred that being fed up with treatment received to her from respondent No. 3 she ultimately made a written complaint against him with higher authorities. Applicant has alleged that only because she made such complaint, she has been victimized by ordering her midterm transfer to Jalna vide the impugned order.

6. Applicant has further alleged that she has been transferred before completing her normal tenure to

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accommodate respondent No. 4 on the said post. It is alleged that even after his posting at Jalna the respondent No. 4 opted not to join on the said post and was awaiting to be brought back at Aurangabad and accordingly has been brought back. According to applicant, she has been, thus, illegally transferred. She has, therefore, prayed for quashment of the impugned order.

7. Respondent No. 1 has filed affidavit in reply. Respondent No. 4 has also filed the affidavit in reply. Respondent Nos. 2 & 3 have not filed any affidavit in reply. In the reply filed on behalf of State Government i.e. respondent No. 1 the impugned order has been justified being passed strictly under the provisions of law and by following the procedure prescribed in that regard. It is the further contention of respondent No. 1 that on recommendations of respondent No. 3, as well as, respondent No. 2, respondent No. 1 has issued the impugned order after having been approved by the Hon'ble Chief Minister. It is contended that applicant has been transferred by exercising the powers under proviso to Section 22N(2) of the

Maharashtra Police Act. Respondent no. 1 has denied the allegations made by the applicant. Along with the affidavit in reply of respondent no.1, certain documents are annexed. These documents contain the DO letters from respondent no. 3 pertaining to transfer of the applicant at any other place from the post of Deputy Commissioner of Police, Aurangabad (City). The memos issued by respondent no. 3 to the applicant are also annexed with the said affidavit in reply. In his affidavit in reply respondent no. 4 has also denied the allegations made against him in the OA and has supported the impugned order.

8. Shri Ajay Deshpande, learned counsel appearing for the applicant vehemently argued that the impugned order has been passed in violation of the legal provisions pertaining to mid-term transfer and also suffers for non-compliance of the procedural aspect. Learned counsel argued that the norms which are laid down for midterm transfer are utterly violated while making transfer of the present applicant. Taking me through the provisions of M.C.S. (General Conditions of Services) Rules, 1981 submitted that rules 28, 29 and 30 thereof are not

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followed in the present matter. The learned counsel submitted that applicant has not handed over charge of her post till date and respondent no. 4 never intimated her about his joining or resuming charge of the said post as is required under rule 28 of the said rules. Learned counsel argued that respondent no. 4, therefore, cannot be held to have taken charge of the subject post and it has to be held to be with the applicant till date.

9. The learned counsel further argued that the performance of the applicant has throughout remained up to mark and her consistent up to mark performance has resulted in grant of 'D.G. Insignia Award' to the applicant in the year 2022. Learned counsel submitted that the Police Officer, who has been awarded with such Award must be presumed to have discharged her duty in an excellent manner.

10. Learned counsel further submitted that the applicant, who received such award on 30.4.2022 has been transferred few months thereafter on the ground that she may not be able to appropriately handle the law and order situation in Aurangabad



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(City). Learned counsel argued that the applicant is working on the said post for more than one year and nothing specific has been alleged against her on the basis of which any inference can be drawn that the applicant has been proved incompetent to hold that post. Learned counsel further submitted that while assessing the performance of the applicant for the year 2021-2022 respondent no. 3 himself has rated performance of the applicant in her ACR to be 'Good' and out of 10, has allotted 7.1 marks. Learned counsel argued that it is unconscionable that the applicant who was held to be eligible for prestigious award has been declared to be not competent to handle the Law & Order situation in the Aurangabad City. Learned counsel brought to my notice the ACR written by respondent no. 3 and reviewed by respondent no. 2. Learned counsel pointed out that on all fronts the applicant has proved her ability and same has been reflected in the ACR written by respondent no. 3.

11. Learned counsel further submitted that it is a vindictive action at the instance of respondent no. 3. Learned counsel in the circumstances has prayed

for setting aside the impugned order and direct the respondents to allow the applicant to continue to discharge her duties on the said post. Learned counsel has relied upon following judgments :-

**(i) P. Karunakaran Vs. the Union of India and others, (2014) 4 Serv LR 62 : 2014 LAB IC 146.**

**(ii) Somesh Tiwari Vs. Union of India and Ors., AIR 2009 SC 1399.**

**(iii) Order passed by Nagpur Bench of this Tribunal in the case of Ashish Murlidhar Raut Vs. the State of Maharashtra & Ors, in O.A. No. 20/2022 decided on 25.3.2022.**

**(iv) Order passed by this Tribunal in the case of Shri Navnath Ashok Patwadkar Vs. State of Maharashtra & Ors. in O.A. No. 715/2022 decided on 23.11.2022.**

12. Learned C.P.O. in his argument has reiterated the contentions raised in the affidavit in reply filed on behalf of respondent No. 1. Learned C.P.O. took me through the documents annexed with the affidavit in reply filed on behalf of respondent No. 1. Learned C.P.O. brought to my notice that respondent No. 3 has requested higher authorities twice to transfer the applicant from her existing post. Learned C.P.O. further argued that

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respondent No. 2 has also recommended the transfer of the applicant from her existing post as was prayed for by respondent No. 3. Learned C.P.O. further submitted that request so made by respondent No. 3, forwarded by respondent No. 2 to respondent No. 1 has been ultimately approved by highest competent authority i.e. the Hon'ble Chief Minister.

13. Learned C.P.O. submitted that as has been mentioned in the report submitted by respondent No. 3 to respondent Nos. 1 & 2, applicant was considered not suitable for continuing on the existing post at the sensitive place like Aurangabad city. It has also been stated that having regard to the past experience, it had become necessary to shift the applicant in view of ensuing Corporation Election and big festivals ahead. Learned C.P.O. submitted that recommendation so made by respondent No. 3 and accepted by respondent Nos. 1 & 2 are based on instances which respondent No. 3 has quoted in his reports forwarded on 16.3.2022 and 8.8.2022. Learned C.P.O. further submitted that personal grudge alleged by the applicant

against respondent No. 3 is devoid of substance. Learned CPO submitted that administrative decision which is supported with material on record may not be interfered with by this Tribunal. Learned CPO therefore prayed for dismissal of the present OA.

14. Shri Avinash S. Deshmukh, learned counsel appearing for respondent no. 4, while adopting arguments advanced by the learned CPO added that the reasons as are assigned by the State Government for transferring the respondents cannot be the subject matter of scrutiny by the Tribunal. Learned counsel further submitted that no analysis is warranted in the present matter of the order of transfer pertaining to respondent no. 4. Learned counsel further submitted that the burden is on the applicant to establish how the order of her transfer is untenable. According to the learned counsel, the applicant failed in making out any such case. He, therefore, prayed for dismissal of the application. The learned counsel relied upon the judgment delivered by Hon'ble Bombay High Court, Bench at Aurangabad in the case of **the State of Maharashtra & Another Vs. Omprakash**

**Ghanshyamdas Mudiraj & Anr., Writ Petition No. 4859/2008**, decided on 18.12.2008 in support of his contentions.

15. I have duly considered the submissions advanced by the learned counsel appearing for the parties. I have gone through the pleadings in the OA, as well as, the affidavit in reply submitted on behalf of the respondents. I have perused the documents filed on record by the applicant, as well as, the respondents. From the contents of the impugned order dated 29.11.2022 it is quite clear that the applicant has been transferred by invoking the proviso to Section 22N(2) of the Maharashtra Police Act, 1951. I deem it appropriate to reproduce Section 22N(2), as well as, proviso thereunder, which reads thus :-

*“22N(2) In addition to the grounds mentioned in sub-section (1), in exceptional cases, in public interest and on account of administrative exigencies, the Competent Authority shall make mid-term transfer of any Police Personnel of the Police Force :*

*Provided that, in case of any serious complaint, irregularity, law and order problem the highest Competent Authority can make the transfer of any*

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*Police Personnel without any recommendation of the concerned Police Establishment Board.”*

16. As has been argued on behalf of the applicant, the applicant has not been transferred for any of the reasons as are enumerated in the proviso to Section 22N(2), but has been transferred only at the behest of respondent no. 3 as because the applicant submitted a representation against him. The applicant has filed on record the copy of the said representation, which was forwarded by her to respondent no. 2 with copy to respondent no. 1 on 19.9.2022. Learned counsel for the applicant has invited my attention to the contents of the said representation and more particularly wherein the applicant has expressed her apprehension that if respondent no. 3 comes to know about the representation so made by the applicant, he will take any vindictive action against the applicant. It has been argued by the learned counsel for the applicant that the impugned order has proved that the apprehension in the mind of the applicant was not misplaced. The aforesaid is the only ground raised by the applicant in oppose to the impugned

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order. As such, primary burden is on the applicant to substantiate the allegation made by her.

17. From the contents of the affidavit in reply filed on behalf of respondent no. 1 it is evident that the applicant has been transferred vide the impugned order on the basis of Demi Official Letter dated 16.3.2022 written by respondent no. 3 and the letter dated 20.4.2022 written by respondent no. 2 to respondent no. 1. The affidavit in reply further reveal that the respondent no. 3 had written another Demi Official letter dated 8.8.2022 reiterating his request for transferring the applicant from the post of Deputy Commissioner of Police, Aurangabad (City). On the basis of the D.O. letter dated 8.8.2022 respondent no. 2 vide his letter dated 24.8.2022 also recommended for transfer of the applicant from her existing post. It is thus explicit that both the DO letters were sent by respondent no. 3 much prior to making of representation dated 19.9.2022 by the applicant against respondent no. 3. As such, it is difficult to accept the contentions raised by the applicant that the impugned order has been passed at the behest of respondent no. 3 as

because she made a complaint against him with the higher authorities on 19.9.2022.

18. It was sought to be contended on behalf of the applicant that such record has been subsequently prepared to justify the impugned order. It has been argued that in spite of the direction by the Tribunal to file the affidavit in reply on 9.12.2022 and also to place on record the relevant record along with the affidavit in reply, the respondents did not bring the concerned record on 9.12.2022. I do not find any force in the objection so raised for the reason that the relevant documents were annexed with the affidavit in reply submitted on behalf of respondent no. 1 and the said affidavit in reply is filed on 9.12.2022 as directed by this Tribunal. Respondent no. 1 has annexed copies of the relevant documents with his affidavit in reply, which contain the copy of letter dated 20.4.2022 sent by respondent no. 2 respondent no. 1, the copy of the DO letter dated 16.3.2022 written by respondent no. 3 and the copy of DO letter written by respondent no. 3 on 8.8.2022 and the copy of the letter dated 24.8.2022 written by respondent no. 2 to respondent no. 1. Along with



the affidavit in reply filed on behalf of respondent no. 1 the copies of memos/letters issued by respondent no. 3 to the applicant on 14.2.2022, 21.2.2022, 3.3.2022, 4.3.2022, 3.1.2022, 2.2.2022, 2.8.2022 and 6.8.2022 are also filed. The documents so filed on record have completely ruled out the possibility of the objection raised by the applicant of preparation of such documents at a subsequent stage. In the circumstances, there appears no substance in the allegation made by the applicant that she has been transferred vide the impugned order only at the behest of respondent No. 3 on account of applicant submitting a representation against him.

19. It was also sought to be argued on behalf of the applicant that had it been the fact that the respondent No. 3 had sent DO letters thereby requesting for transfer of the applicant from her existing post for the reasons stated in the said DO letters, respondent No. 3 did not have rated the performance of the applicant in her ACR written by him for the period between 1.4.2021 to 31.3.2022 written on 14.6.2022. It has also been argued that

in the ACR, the respondent No. 3 has not even whispered about the adverse instances as are mentioned in the DO letters. It is true that in the ACR written by respondent No. 3 of the applicant, the respondent No. 3 has graded the performance of the applicant for the relevant period as, 'GOOD' and in the column of remarks has not mentioned anything adverse against the applicant, on the contrary, has appreciated her work. Such argument has also not impressed me much. Not mentioning of the adverse instances in the ACR would not negate the fact that such DO letters were written by respondent No. 3 wherein all such adverse instances are recorded.

20. As I noted hereinabove, along with his affidavit in reply respondent No. 1 has annexed certain documents which include copies of memos and letters issued by respondent No. 3 to the applicant. It is not the case of the applicant that said memos and letters have not been received by her. In absence of such denial by the applicant it has to be presumed that such memos and letters written by respondent No. 3 to her were received to her. The

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applicant has however, not disclosed the said fact in her present application or in the written complaint dated 19.9.2022 sent by her to respondent No. 1. It has been alleged on behalf of respondents that the applicant has, thus, suppressed the material facts from this Tribunal. It is difficult to rule out the said objection.

21. On perusal of documents which are annexed with the affidavit in reply of respondent No. 1 to which I have referred hereinabove it is revealed that respondent No. 3 has expressed displeasure and dissatisfaction in respect of working of the applicant. In both the DO letters the respondent No. 3 has requested for transfer of the applicant from her existing post. In the DO letter dated 16.3.2022 respondent No. 3 has expressed that the applicant is not fit to work as Deputy Commissioner of Police at hyper sensitive place like Aurangabad City. In the subsequent DO letter dated 8.8.2022 respondent No. 3 has reiterated his request stating that, "with the Municipal Corporation Elections scheduled soon and the big festivals season ahead, there is an urgent need to post an officer of DPC

rank in her place who can handle the job in a professional manner.” I reiterate that in both the DO letters specific instances are quoted by respondent No. 3 and the fact of memos and letters issued by respondent No. 3 to the applicant is also disclosed.

22. After having considered the evidence as aforesaid, the allegation made by the applicant that she has been transferred only at the behest of respondent No. 3 as because she has submitted representation against him appears unsustainable. It has also been argued on behalf of the applicant that when the transfer has been made by invoking proviso to Section 22N(2) it is incumbent on the part of the respondents to prove and substantiate the grounds on which the transfer of the applicant has been directed. It has been argued that not a single instance is quoted on behalf of the respondents showing the failure on part of the applicant in creating any law and order problem. The argument so advanced also deserves to be rejected in view of the specific instances quoted by respondent No. 3 in his DO letters.

23. In the circumstances, further argument made on behalf of the applicant that though the order is stated to have been passed by invoking proviso below Section 22N(2), it is a transfer in lieu of punishment without affording any opportunity of hearing to the applicant also deserves to be turned down. Learned counsel though has placed reliance on two judgments of the Hon'ble Supreme Court in the case of **P. Karunakaran Vs. the Union of India and others** and **Somesh Tiwari Vs. Union of India and Ors.** (cited supra) the ratio laid down in the said judgments would not apply to the facts in the present case. The judgment delivered by the Nagpur Bench of this Tribunal in the case of **Ashish Murlidhar Raut Vs. the State of Maharashtra & Ors, O.A. No. 20/2022** (cited supra) is also on the different set of facts and as such, the same also cannot be of any help for the applicant. The judgment delivered by this Tribunal in the case of **Shri Navnath Ashok Patwadkar Vs. State of Maharashtra & Ors. O.A. No. 715/2022** (cited supra) is altogether on different facts.

24. The next question arises whether the scrutiny can be made of the reasons as are mentioned in the affidavit in reply on behalf of respondent no. 1 to justify the impugned order passed invoking the proviso under Section 22N(2) of the Maharashtra Police Act. The learned CPO, as well as, learned counsel appearing for respondent no. 4 were joint in submitting that no such scrutiny would be permissible. The learned counsel for respondent no. 4 has cited the judgment delivered by the Division Bench of Hon'ble Bombay High Court, Bench at Aurangabad in the case of **the State of Maharashtra & Another Vs. Omprakash Ghanshyamdas Mudiraj & Anr** (cited supra). In the said matter MAT, Mumbai Bench had set aside the order of transfer effected on account of administrative exigency. While setting aside the said order the Hon'ble High Court has held that :-

*“17) Whether the reasons propounded by the State Government for transferring the respondents are sufficient or otherwise could not have been gone into by the Tribunal. The Tribunal even assessed the sufficiency of reasons by referring to the case of one Mr. M.A. Mate, Superintending Engineer in Yawatmal*

*Irrigation Circle having completed target 100% recovery. The said case was considered, as Mr. Mate, according to the Tribunal, was transferred prior to completion of his normal period. Such comparison in the facts of the case was not essential as each case will have to be considered on its own merits by the State. The employer would be the best judge to appreciate performance of its employees and their suitability mandates that in a particular place. At the same time, law mandates that the State shall comply with the necessary requirements as envisaged under the provisions of Section 4(4) for effecting transfers (order) prior to completion of normal tenure of posting. We find that in this case the State has considered individual cases of both the respondents and decided to transfer them. The Tribunal did not discuss the issue of mala fide. Therefore, we are of the opinion that the said issue need not be taken up by us for consideration in exercise of extra ordinary writ jurisdiction under [Article 226](#) of the Constitution of India. We find in the facts of the case that the State had complied with the provisions of Section 4 of the Act of 2005. There are special reasons with the State for effecting transfer orders and the contention of accommodation of respondent No.2 in the facts of the case cannot be accepted.”*

Having regard to the law laid down by the Hon'ble High Court, this Tribunal may not indulge in carrying out the scrutiny as about the sufficiency of

the reasons as are put forth by the respondents. As has been observed by the Hon'ble Division Bench the employer would be the best judge to appreciate performance of its employees and their suitability at a particular place..

25. In the present matter the respondent no. 1 has ordered the transfer of the applicant on recommendations of respondent no. 2. The recommendations of respondent no. 2 are based on the DO letters written by respondent no. 3, wherein the respondent no. 3 has expressed his opinion that the applicant is not fit to work as Deputy Commissioner of Police at hyper sensitive place like Aurangabad City and on the said ground he has requested for her transfer. Thus, it is not the case that without there being any reason the transfer of the applicant has been directed. I reiterate that the aspect of sufficiency of the reasons cannot be gone into by this Tribunal when the transfer has been ordered by invoking the powers under proviso to section 22N(2) and when such order has been passed after approval of highest competent authority i.e. Hon'ble the Chief Minister. For the reasons



stated above, I see no reason for causing any interference in the impugned order.

26. Before concluding the present order I deem it appropriate to observe that in the affidavit in reply filed on behalf of respondent no. 1 nothing has been specifically stated as about the representation made by the applicant on 19.9.2022. The fact apart that, the applicant has failed in substantiating her allegation that she has been transferred only at the behest of respondent no. 3 as because she had made aforesaid representation against him, the grievance raised by the applicant in the said representation needs to be looked into by the respondent no. 1. Since respondent no. 3 has not been made party in personal capacity in the present matter, I have avoided to make any discussion as about the representation so made. However, I trust and believe that the respondent nos. 1 and 2 would look into the said representation and take the appropriate decision in that regard at the earliest and communicate it to the applicant. In the result, the following order is passed :-

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**ORDER**

The Original Application is dismissed without any order as to costs.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 493/2021**  
**(Arun S. Lahurikar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri SG Joshi, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 1.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 114/2022**  
**(Dr. Bhausahab S. Randhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri JS Deshmukh, learned counsel for the applicant, Shri VR Bhumkar, learned Presenting Officer for the respondent authorities and Shri US Mote, learned counsel for respondent no. 3, are present.

2. The learned counsel has sought time for filing the rejoinder affidavit of the applicant. Time granted.

3. S.O. to 1.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 406/2022**  
**(Pandit K. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri BR Kedar, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 1.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 603/2022**  
**(Sachin G. Shelke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri SD Kotkar, learned counsel for the applicant (**absent**). Shri DR Patil, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 1.2.2023 for filing rejoinder affidavit, if any, by the applicant.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 770/2022**  
**(Surendra M. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri VB Wagh, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 2.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 797/2022**  
**(Amol S.. Ajabe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri VB Wagh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 2.2.2023 for filing rejoinder affidavit, if any, by the applicant.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022



**ORIGINAL APPLICATION NO. 816/2022**  
**(Rushiikesh V. Gorde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri VB Wagh, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 to 3. The same is taken on record and copy thereof has been supplied to other side.

3. The matter be now posted for hearing on 2.1.2023. in the meantime it is open for the applicant to file rejoinder affidavit, if he is so desired.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 964/2022**  
**(Vijaykumar M. Nawale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri DR Patil, learned Presenting Officer for the respondent authorities and Shri VB Wagh, learned counsel for respondent no. 5, are present.

2. Await Service.
3. S.O. to 3.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 971/2022**  
**(Avinash V. Solanke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri JB Choudhary, learned counsel for the applicant (**absent**). Shri NU Yadav, learned Presenting Officer for the respondent authorities, is present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 3.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

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

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri RO Awasarmol, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.
3. S.O. to 6.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 1074/2022**  
**(Sagar S. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri KB Jadhav, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that today he has submitted the service affidavit in the office.

3. The learned P.O. has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

4. S.O. to 9.1.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 1086/2022**  
**(Monali D. Dhondphale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri VV Deshmukh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.
3. S.O. to 24.1.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**M.A. NO. 102/2021 IN O.A. ST. ST. 458/2021  
(Ashok N. Jire Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri NP Dube, learned counsel for the applicant (**absent**). Shri DR Patil, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 7.2.2023 for filing the rejoinder affidavit, if any, by the applicant.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**M.A. NO. 346/2021 IN O.A. ST. NO. 904/2021  
(Kantabai C. Narwade & Ors. Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri UP Giri, learned counsel for the applicants and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has already filed on record the affidavit in reply on behalf of respondent nos. 1 to 5. The learned counsel has sought time for filing the rejoinder affidavit of the applicant. Time granted.

3. S.O. to 7.2.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022



**M.A. NO. 209/2022 IN O.A. ST. NO. 108/2021  
(Ashok R. Jujgar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri MR Kulkarni, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 23.1.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 848/2022**  
**(Vilas Y. Thombre Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri JS Deshmukh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 22.12.2022 for hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**O.A. NOS. 892, 893, 895, 869 AND 894 ALL OF 2022  
(Balaji V. Potdar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Ajay S. Deshpande, learned counsel for the applicants in all these matters and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, are present.

2. At the request of learned CPO, S.O. to 22.12.2022 for hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 667/2022**  
**(Dr. Pradip N. Vaishnav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri VB Wagh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 to 4. It is taken on record and copy thereof has been supplied to other side.

3. List the matter for hearing on 19.1.2023. In the meantime the applicant is at liberty to file the rejoinder affidavit, if so desired.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 1088/2022**  
**(Dr. Gautam Sawase Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri VB Wagh, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the communication dated 20.12.2022 received to the office of CPO from the Dean, Govt. Medical College, Aurangabad. The same is taken on record.

3. The matter be listed for hearing on 3.1.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 20.12.2022

**M.A. 543/2022 IN O.A. 1068/2022**  
**(Devidas Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri AV Thombre, learned counsel holding for Shri SS Thombre, learned counsel for the applicant in the present MA, Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri AS Deshmukh, learned counsel for respondent no. 3 in MA/applicant in OA, are present.

2. The learned counsel for respondent no. 3 has tendered across the bar the affidavit in reply in OA. It is taken on record and copy thereof has been supplied to other side. The learned counsel for the applicant in OA has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 5.1.2023.

4. The interim relief to continue till then. The interim arrangement directed vide order passed on 9.12.2022 shall also to continue and to remain in force till then.

**VICE CHAIRMAN**

**C.P. No. 40/2022 in O.A. No. 1082/2019**  
**(Naresh W. Sakpal Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Amol Gandhi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents in C.P., returnable on 30.01.2023.

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 30.01.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**C.P. No. 43/2022 In O.A. No. 519/2021**  
**(Usha A. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Smt. P.P. Deshmukh, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicants, S.O. to 16.01.2023.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 1132 OF 2022**  
**(Ramesh L. Naik Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 30.01.2023.

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 30.01.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1133 OF 2022**  
**(Babasaheb P. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 30.01.2023.

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 30.01.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1135 OF 2022**  
**(Sandeep K. Tarte Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 30.01.2023.

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 30.01.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 300 OF 2015**  
**(Santosh P. Namdas Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.

3. Learned C.P.O. submits that the original record in the present matter is received as per the communication dated 19.12.2022, which communication he placed on record. Same is taken on record and marked as document 'X' for the purpose of identification.

4. S.O. to 16.01.2023. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 297 OF 2019**  
**(Balaji M. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Deepak Manorkar, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for respondent Nos. 2 and 3.

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

3. S.O. to 23.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 392 OF 2018**  
**(Chandrakant R. Kapse Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Smt. N.D. Joshi, learned Advocate holding for Shri S.G. Joshi, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri U.S. Dambale, learned Advocate for respondent Nos. 5 to 7 & 9.

2. At the request of learned Advocate for the applicant, S.O. to 24.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 268 OF 2022**  
(Chandrashekhar K. Mundhe & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Kalyan Patil, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicants, S.O. to 25.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 851 OF 2022**  
**(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri K.G. Salunke, learned Advocate for the applicant, Shri Ajay Deshpande, learned Special Counsel for respondent No. 1 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 2 & 3.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 1 separately and on behalf of respondent Nos. 2 and 3 jointly.

3. Learned Advocate for the applicant submitted that he has received copy of affidavit in reply filed on behalf of respondent Nos. 2 and 3, but he has not received copy of affidavit in reply filed on behalf of respondent No. 1.

4. Learned C.P.O. submits that copy of affidavit in reply on behalf of respondent No. 1 is already served upon the applicant & would supply additional copy today.

5. In view of above, learned Advocate for the applicant submits that he wants to file rejoinder affidavit and therefore, he seeks time. Time granted.

6. S.O. to 03.01.2023.

**MEMBER (A)**

**MEMBER (J)**



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

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Sudhir Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant received provisional pension lastly for June, 2022 and since July 2022, the applicant is not getting the provisional pension in spite of grant of interim relief by this Tribunal by the order dated 31.01.2022 in the present O.A.

3. On last date of hearing i.e. on 30.01.2022 learned C.P.O. was directed to take necessary instructions from the concerned respondent/s and place on record the status report positively on or before the next date of hearing.

4. Today learned C.P.O. placed on record a copy of communication dated 15.12.2022 along with documents stating that the proposals dated

//2// O.A. No. 748/2021

2.9.2022 and 05.12.2022 are sent to the respondent No. 5 for sanction of provisional pension. The said letter shows that since September, 2022 the proposal is pending with the respondent No. 5. However, nothing is forthcoming from the respondent No. 5 in response even today. This is sorry state of affairs. Copy of the said communication is taken on record as document 'X' collectively for the purpose of identification.

5. Learned C.P.O. is directed to take note of the above said observations and to act accordingly on or before 15.01.2023.

6. S.O. to 15.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

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

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. S.O. to 18.1.2023 for hearing. **High on Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 618 OF 2018**  
**(Sharad D. Raut Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

**MEMBER (A)**

**MEMBER (J)**

**C.P. No. 12/2022 in O.A. No. 265/2017**  
**(Dr. Suresh M. Karmunge Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri I.D. Maniyar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned Advocate holding for Shri P.R. Tandale, learned Advocate for respondent No. 4.

2. Record shows that the affidavit in reply is filed separately on behalf of respondent Nos. 2 and 4. Record further shows that in spite of observations made in farad sheet order dated 12.10.2022, short affidavit is not filed on behalf of respondent Nos. 1 and 3, which was necessary for adjudication of the matter.

3. In view of above, last chance is granted to the respondent Nos. 1 and 3 for filing short affidavit in that regard.

4. S.O. to 23.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**C.P. No. 31/2022 in O.A. No. 44/2020**  
**(Asha S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 23.01.2023.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 987 OF 2019**  
**(Bhimrao B. Shirshipurkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri M.R. Wagh, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, as one more last chance, S.O. to 23.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 45 OF 2020**  
**(Shila A. Mule Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri P.D. Bachate, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.

3. As none present for the applicant, S.O. to 23.01.2023.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 72 OF 2020**  
**(Shesherao D. Totwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 24.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 328 OF 2020**  
(Shaikh Shamshodin Hamidoddin Vs. State of Maharashtra & Ors.)

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri P.S. Anerao, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities. Shri V.C. Suradkar, learned Advocate for respondent No. 5 and Shri B.G. Deshmukh, learned Advocate for respondent No. 4, **absent**.

2. As none present for the applicant, as one more last chance, S.O. to 24.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 451 OF 2020**  
**(Shrihari S. Solanke Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Kuldeep Patil / P.D. Hajare, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 1.

3. As none preset for the applicant, S.O. to 24.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 55 OF 2021**  
**(Arvind S. Bhavar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri P.S. Anerao, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 24.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**O.A. Nos. 70, 71, 72, 73, 74, 75 & 76 all of 2021  
(Vitthal R. Thombre & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicants in all these matters, Shri D.R. Patil, learned Presenting Officer for the respondent authorities in all these matters, Shri M.P. Gude, learned Advocate for the respondent Nos. 3 & 4 in O.A. Nos. 70 and 71 of 2021 and Shri S.B. Patil, learned Advocate for the respondent No.4 in O.A.No.76/2021 and Shri S.D. Dhongde, learned Advocate for the respondent No. 3 in O.A. Nos.73, 74 and 75 all of 2021.

2. At the request of learned P.O., time is granted as one more last chance for filing affidavit-in-reply in O.A. No.72, 73, 74 and 75 all of 2021 on behalf of respective respondents.

3. Learned Advocate for the respondent No.4 in O.A. 76/2021 also seeks time for filing affidavit-in-reply. Time is granted as a last chance.

4. S.O. to 30.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 476 OF 2021  
(Machindra K. Bhalerao Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Mayur Sharma, learned Advocate holding for Shri Mohit Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 20.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 588 OF 2021**  
**(Holambe N. Dagdu & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri S.S. Kurundkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities. Shri C.A. Jadhav, learned Advocate for respondent No. 5, **absent**.

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

3. As none present for the respondent No. 5, S.O. to 25.01.2023 for filing affidavit in reply as a last chance.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 628 OF 2021**  
**(Swati G. Swami Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri S.P. Urgunde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 & 2. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 19.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 264 OF 2022**  
**(Ganesh P. Jagtap Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 27.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 303 OF 2022**  
**(Santosh G. Lungare Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri M.U. Shelke, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 27.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 388 OF 2022**  
**(Sunil P. Jaybhaye Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 27.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 458 OF 2022**  
**(Dr. Suresh R. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri Vinod Patil, learned Advocate holding for Smt. Yogita Thorat, learned Advocate for respondent No. 4.

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

3. S.O. to 30.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 508 OF 2022**  
**(Manesh D. Auti Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri V.S. Kadam, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 2.

3. As none present for the applicant, S.O. to 30.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 535 OF 2022**  
**(Adikrao S. Mane Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.

3. S.O. to 30.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 793 OF 2022**  
**(Babynanda G. Gosavi Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

3. At the request of learned Advocate for the applicant, S.O. to 16.01.2023 for filing rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 3 to 5.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 812 OF 2022**  
**(Rashtra Seva Arogya Karmachari Sanghatna Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri P.D. Jarare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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

3. S.O. to 22.12.2022.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 833 OF 2022**  
**(Sampat L. Mallad Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri S.S. Kurundkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 30.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 876 OF 2022**  
**(Dr. Pravinkumar Y. Thakare Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri A.D. Sugdare, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 30.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 885 OF 2022**  
**(Chandrakant S. Nakhate Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 and 2.

3. S.O. to 31.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 899 OF 2022**  
**(Hansraj R. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri R.K. Ashtekar, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 & 3. Same is taken on record.

3. S.O. to 31.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 900 OF 2022**  
**(Navneet C. Jamnik Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri R.K. Ashtekar, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 & 3. Same is taken on record.

3. S.O. to 31.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 901 OF 2022**  
**(Madhav V. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri R.K. Ashtekar, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Chief Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 & 3. Same is taken on record.

3. S.O. to 31.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 905 OF 2022**  
**(Dr. Ansari Shehnaz Begum Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 31.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 988 OF 2022**  
**(Dr. Nitinkumar B. Shah Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 30.01.2023.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 1019 OF 2022**  
**(Indrakant H. Shendurkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Swaraj Tandale, learned Advocate for the applicant and Smt. Deeapli S. Deshpande, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 31.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 954 OF 2022**  
**(Sahebrao S. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned P.O. for the respondent authorities.

2. At the request of learned Advocate for the applicant, issue fresh notice to the respondents, returnable on 31.01.2023.

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 31.01.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 955 OF 2022**  
**(Swapnil G. Sabale Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Deepali Deshapnde, learned P.O. for the respondent authorities.

2. At the request of learned Advocate for the applicant, issue fresh notice to the respondents, returnable on 31.01.2023.

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 31.01.2023.

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

**MEMBER (A)**

**MEMBER (J)**



**M.A. No. 35/2018 in O.A. St. No. 97/2018**  
**(Nilesh R. Tagad Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.S. Jadhavar, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned Advocate for respondent No. 2.

2. S.O. to 23.01.2023 for taking necessary steps.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2022

**M.A. No. 55/2021 in O.A. St. No. 363/2020**  
(Dnyanba N. Dhapse & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri G.L. Deshpande, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 16.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 332/2022 in O.A. No. 742/2022**  
**(Ram H. Navtakke Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri A.V. Lavte, learned Advocate for the applicants (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf for respondent Nos. 1 to 4 in O.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 24.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 55/2021 in O.A. St. No. 363/2020**  
(Dnyanba N. Dhapse & Ors. Vs. State of Maharashtra & Ors.)

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri G.L. Deshpande, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 16.01.2023.

**MEMBER (A)**

**MEMBER (J)**



**M.A. No. 367/2022 in O.A. St. No. 1301/2022**  
**(Digambar B. Dahe & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. S.O. to 25.01.2023 for filing rejoinder affidavit, if any in M.A.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 20.12.2022

**M.A. No. 463/2022 in O.A. St. No. 1779/2022**  
**(Chakardhar P. Wadje Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 25.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.41/2021 WITH M.A.ST.NO.89/2021 WITH  
M.A.ST.NO.90/2021 IN O.A.ST.NO.91/2021  
M.A.NO.42/2021 WITH M.A.ST.NO.66/2021 WITH  
M.A.ST.NO.67/2021 IN O.A.ST.NO.68/2021  
M.A.NO.65/2021 WITH M.A.ST.NO.271/2021 WITH  
M.A.ST.NO.272/2021 IN O.A.ST.NO.274/2021  
M.A.NO.92/2021 WITH M.A.ST.NO.244/2021 WITH  
M.A.ST.NO.245/2021 IN O.A.ST.NO.241/2021  
M.A.NO.93/2021 WITH M.A.ST.NO.248/2021 WITH  
M.A.ST.NO.249/2021 IN O.A.ST.NO.246/2021  
(Marathwada Van Va Samaji Vanikaran Rojandari Va  
Kayam Kamgar Karmachari Va Sarva Shramik Sanghatana  
through its General Secretary Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Avishkar Shelke, learned Advocate for the applicants in all these cases and S/shri M.S. Mahajan, N.U. Yadav, D.R. Patil, V.R. Bhumkar and Smt. Deepali S. Deshpande, learned Chief Presenting Officer and Presenting Officers for the respondents in respective cases.

2. Learned Advocate for the applicants submits that the applicants do not wish to file rejoinder affidavit in all these cases.

3. S.O. to 13.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 950 OF 2020  
(Jayashri T. Thakur Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri H.A. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. During the course of arguments, learned Advocate for the applicant produced on record the copy of application dated 24.05.2019 made by the applicant to the respondent No.5 i.e. District Health Officer, Zilla Parishad, Dhule seeking extension and proposal dated 24.05.2019 submitted by Taluka Health Officer, Panchayat Samiti, Dhule to the respondent No.5 i.e. the District Health Officer, Zilla Parishad, Dhule for extension of applicant.

3. Learned P.O. for the respondents submits that there is no outward number on this proposal dated 24.05.2019. The said documents are taken on record at page Nos.115 and 116.

4. The present matter be treated as part head.

5. S.O. to 03.01.2023. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 355 OF 2020**  
**(Chandana R. Kokani Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri Ajay S. Deshpande learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present matter is closed for order.

**MEMBER (A)**

**MEMBER (J)**

**M.A. 141/2021 IN O.A. 295/2019 WITH C.P.03/2021  
(The State of Maharashtra & Ors. Vs. Maharashtra Rajya  
Hangami Hivtap Prayogashala Karmachari Sanghatna )**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in the present M.A./respondents in O.A., Ms. Preeti Wankhade, learned Advocate for the respondent in present M.A./applicant in O.A. and Shri Vinod Patil, learned Advocate for private respondents.

2. S.O. to 02.01.2023 for re-hearing. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

**M.A.ST.NO.664 OF 2022 IN O.A.ST.NO.665/2022  
(Reshma K. Kamble & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.S. Jadhavar, learned Advocate for the applicants, is **absent**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. S.O. to 06.01.2022 for re-hearing. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 215 OF 2022**  
**(Salim Mohd Hanif Shaikh & Ors. Vs. State of Maharashtra**  
**& Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri M.S. Deshmukh with Shri U.L. Monale, learned Advocate for the respondent Nos.4 to 20 & 22 to 24 in O.A.No. 215/2022 and Shri V.B. Wagh, learned Advocate for the respondent No.25, are present.

2. The present matter has already been treated as part heard.
3. S.O. to 04.01.2023. **High On Board.**
4. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 809 OF 2021**  
**(Dr. Imran Nizam Pathan Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri V.B. Wagh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.B. Rajkar, learned Advocate for the respondent No.4, are present.

2. S.O. to 05.01.2023. Hearing of this O.A. is expedited. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 556 OF 2020  
(Umakant L. Bedse Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 10.01.2023 for hearing. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 670 OF 2019**  
**(Kaushalya B. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

None present on behalf of the applicant.

Smt. Deepali S. Deshpande, learned  
Presenting Officer for the respondents, is present.

2. S.O. to 21.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 934 OF 2019**  
**(Madhukar K. Shingade Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 17.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 1066 OF 2019**  
**(Vasant A. Manorkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned Advocate for the respondent Nos.3 & 4, are present.

2. S.O. to 23.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 146 OF 2020**  
**(Ankush H. Manbhare Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities and Shri S.A. Deshmukh, learned Advocate for the respondent No.4, are present.

2. S.O. to 23.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 508 OF 2020**  
**(Bhojane S. Prabhakar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.S. Kurundkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 23.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 583 OF 2020**  
**(Vishal R. Mhaske Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. S.O. to 06.02.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 31 OF 2021**  
**(Sattar Khan Jamal Khan Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri M.P. Gude, learned Presenting Officer for the respondent No.2, are present.

2. S.O. to 24.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 128 OF 2021**  
**(Pradeep M. Thakkarwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri K.B. Jadhav, learned Advocate holding for Shri Ganesh V. Mohekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 148 OF 2021**  
**(Dattaram U. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. S.O. to 24.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 255 OF 2021**  
**(Ashvini M. Dudhbhate Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.S. Kurundkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, Shri A.S. Deshmukh, learned Advocate for the respondent No.5 and Shri M.B. Kolpe, learned Advocate for the respondent No.4, are present.

2. S.O. to 25.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 547 OF 2021**  
**(Jalamsing D. Valvi Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 11.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NOS. 716 TO 719 ALL OF 2021**  
**(Navin J. Sharma & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicants in all these O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all these O.As., are present.

2. S.O. to 31.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 727 OF 2021**  
**(Dipak D. Joshi & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 91 OF 2022**  
**(Narendrasingh I. Kachhwaha Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 27.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 533 OF 2022**  
**(Sunil N. Jahagirdar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. S.O. to 31.01.2023 for admission.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 366/2018 IN M.A.ST.NO. 1591/2018 IN  
O.A.ST.NO. 1592/2018**

**WITH**

**M.A.NO. 295/2019 IN O.A.ST.NO. 993/2019  
(Dr. Ravindra A. Daware & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Ajay S. Deshpande, learned Advocate for the applicants in both the cases and Shri D.R. Patil, learned Presenting Officer for the respondents in both the cases, are present.

2. S.O. to 23.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO. 306/2021 IN O.A.ST.NO. 305/2021**  
**(Kiransigh A. Pal Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for the respondent Nos.3 & 4, are present.

2. S.O. to 25.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**M.A.NO. 393/2022 IN O.A.NO. 1044/2019**  
**(Tukaram S. Katare Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri D.A. Bide, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 25.01.2023.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 491 OF 2013  
(Devidas T. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 18.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 304 OF 2014  
(Popat K. Bachkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

None present on behalf of the applicant.

Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. S.O. to 19.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 851 OF 2016**  
**(Jagdish B. Pardeshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 20.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 869 OF 2016**  
**(Dhanraj T. Lazade Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

None present on behalf of the applicant.

Shri M.S. Mahajan, learned Chief Presenting  
Officer for the respondents, is present.

2. S.O. to 23.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 810 OF 2017**  
**(Shaigram M. Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**ORIGINAL APPLICATION NO. 817 OF 2017**  
**(Dr. Vilas R. Musale Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 818 OF 2017**  
**(Ashok M. Gaike Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri V.G. Pingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 25.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 824 OF 2017**  
**(Jeevan B. Sutar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 07.02.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 68 OF 2018**  
**(Kishan D. Kadam Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri P.B. Rakhunde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 27.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 273 OF 2018**  
**(Ganesh D. Chavhan Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Sandeep B. Sontakke, learned Advocate for the applicant and Shri Pramod A. Salvi, learned Advocate for the respondent No.4, are **absent**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 27.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 941 OF 2018**  
**(Dr. Neeta K. Hatkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. S.O. to 07.02.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**O.A.NO. 124/2019 WITH O.A.NO. 126/2019  
(Arun K. Gosawi & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri D.K. Dagadkhair, learned Advocate for the applicants in both the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the O.As, are present.

2. Second set is not filed in both the O.As.
3. S.O. to 30.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 410 OF 2019**  
**(Santosh R. Jagdale Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri M.R. Kulkarni, learned Advocate for the respondent No.2, are present.

2. S.O. to 10.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 37 OF 2021**  
**(Shriram B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri S.D. Joshi, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**M.A.NO. 112/2021 IN O.A.NO. 386/2020**  
**(Ganga S. Suryawanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Santosh C. Bhosale, learned Advocate for the applicant, is **absent**. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. S.O. to 25.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 20.12.2022

**DATE : 20.12.2022**  
**ORIGINAL APPLICATION NO. 1141 OF 2022**  
**(Mariba Yadav Kamble V/s The State of Maharashtra & Ors.)**

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

1. Smt. Suchita Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present
2. Circulation is granted. Issue notices to the respondents, returnable on 19.01.2023. The case be listed for admission hearing on **19.01.2023**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

**DATE : 20.12.2022**

**ORIGINAL APPLICATION NO. 1148 OF 2022**

**(Asef Aslam Shaikh V/s The State of Maharashtra & Ors.)**

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

1. Shri Ravi Raosaheb Bangar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present

2. Circulation is granted. Issue notices to the respondents, returnable on 25.01.2023. The case be listed for admission hearing on **25.01.2023**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

**DATE : 20.12.2022**  
**M.A.NO. 571/2022 IN O.A.ST.NO. 3060/2022**  
**(Birendrasingh Ashasingh Bungai V/s The State of Maharashtra & Ors.)**

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

1. Shri M.D. Godhamgaonkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 17.01.2023. The case be listed for admission hearing on **17.01.2023**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**REGISTRAR**

**ORIGINAL APPLICATION NO. 935 OF 2022**  
**(Pooja M. Patil & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Kiran G. Salunke, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondent No. 1. Request is opposed by the learned counsel for the applicant stating that the concerned respondents i.e. respondent Nos. 3 & 4 have already filed common affidavit in reply. In the interest of justice, time is granted by way of last chance. It is made clear that if the affidavit in reply is not filed on or before the next date, the matter shall be heard without affidavit in reply of the said respondent.

3. S.O. to 20.1.2023.

**VICE CHAIRMAN**

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

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer last chance is granted to file affidavit in reply. If the affidavit in reply is not filed on the given date, the matter shall be heard without affidavit in reply.

3. S.O. to 20.1.2023.

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD



**M.A.NO. 143/2022 IN O.A.ST.NO. 75/2022  
(Sudhir S. Bramhne Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. S.O. to 23.1.2023.

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD

**ORIGINAL APPLICATION NO. 1071 OF 2022  
(Pratap S. Sontakke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Ganesh J. Kore, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 6.2.2023.

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD

**ORIGINAL APPLICATION NO. 1134 OF 2022  
(Ramesh L. Naik Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 6.2.2023.

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 6.2.2023.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1140 OF 2022**  
**(Rameshwar A. Habhare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri A.S. Shelke, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 6.2.2023.

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. 1140/2022**

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 6.2.2023.

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

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD

**ORIGINAL APPLICATION NO. 1147 OF 2022  
(Janardan G. Koli Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 25.1.2023.

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. 1147/2022**

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 25.1.2023.

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

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD



**ORIGINAL APPLICATION NO. 585 OF 2021  
(Latabai D. Avhad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 31.1.2023.

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD

**ORIGINAL APPLICATION NO. 495 OF 2021  
(Vaibhav D. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. S.O. to 7.2.2023.

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD

**ORIGINAL APPLICATION NO. 508 OF 2017**  
**(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Shri Asif Ali, learned counsel holding for Smt. A.N. Ansari, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. In the present matter interim stay has been granted by the Hon'ble Supreme Court. In view of that list the matter for hearing on 10.3.2023.

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD

**ORIGINAL APPLICATION NO. 997 OF 2022**  
**(Rekha D. Shinde & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel appearing for the applicants seeks leave of this Tribunal to correct the address of respondent No. 2. Leave granted. The necessary amendment be carried out forthwith.

3. After the amendment is carried out by the applicants, issue notice to the said respondent on the corrected address, returnable on 6.1.2023.

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

5. 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.

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 6.1.2023.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.301/2021  
(D.P.Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

Shri A.S.Deshmukh, learned Counsel holding  
for Shri G.J.Pahilwan, learned Counsel for the  
applicant and Shri N.U.Yadav, learned Presenting  
Officer for the respondent authorities, are present.

2. S.O. to 09-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO.762/2022**  
**(Pralhad Khade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

Heard Shri S.D.Joshi, learned Counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.S.Deshmuhk, learned Counsel for respondent no.3.

2. Heard for some time. For further consideration, S.O. to 21-12-2022.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO.889/2018**  
**(Sayyed Matinoddin Aminoddin Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

Shri S.R.Dheple, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 02-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022



**ORIGINAL APPLICATION NO.54/2019**  
**(Varsha Pawara Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

Shri P.B.Patil, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

Shri V.C.Patil (Ashtekar), learned Counsel for respondent no.3 is **absent**.

2. S.O. to 06-02-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO.122/2020 WITH  
CAVEAT NO.06/2020  
(Sandip Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.D.Dhongde, learned Counsel for respondent no.4, are present.

Shri A.B.Girase, learned Counsel for the applicant is **absent**. Shri N.N.Desale, learned Counsel for respondent no.5 is **absent**.

2. S.O. to 06-02-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO.197/2020**  
**(Vijay Suryawanshi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07-02-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO.437/2020  
(Arjun D. Kharat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 23-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO.351/2021  
(Kautik Kachole Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

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

2. S.O. to 08-02-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO.649/2021  
(Janak B. Puri Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20-12-2022**

**ORAL ORDER :**

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

2. S.O. to 08-02-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 20.12.2022

**ORIGINAL APPLICATION NO. 502 OF 2022  
(Mohammad Siddiq Mohammad Sarwar Vs. State  
of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,  
Vice Chairman**

**DATE : 20.12.2022**

**ORAL ORDER :**

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 1 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. By filing the present Original Application the applicant has challenged the recovery of the amount of Rs. 1,84,733/- from the applicant on account of the excess payment made to the applicant during the period between 2003 and 2014 because of wrong fixation of pay.

4. Few facts which are relevant are thus : The applicant retired from the Government service on

31.8.2014 after attaining the age of superannuation. He was working as a Multipurpose worker (MPW), which is a class-IV post. Recovery of the aforesaid amount came to be directed on 23.1.2015. On 8.4.2015 the applicant deposited the said amount with the respondents. The recovery is towards alleged excess payment made to the applicant in the period between November, 2003 and August 2014 because of alleged wrong fixation of pay.

5. It is the grievance of the applicant that though in view of the law laid down by the Hon'ble Apex Court in the case of **State of Punjab and others Vs. Rafiq Masih (White Washer) etc., AIR 2015 SC 596**, such recovery was impermissible, the respondents directed such recovery and got recovered the said amount from the gratuity amount payable to the applicant. Shri Girish Kulkarni, learned counsel appearing for the applicant submits that no notice was ever given to the applicant bringing to his notice the fact that in the period between November, 2003 and August 2014 he was paid excess amount than his entitlement because of wrong fixation of pay. Learned counsel further



contended that at the time of forwarding pension papers the aforesaid fact was brought to the notice of the present applicant and the amount allegedly paid excess was got deposited by the applicant. Learned counsel submitted that such recovery was impermissible, the respondents could not have directed such recovery and insisted the applicant to deposit the said amount before finalization of his pension. Learned counsel, in the circumstances, has prayed for refund of the said amount.

6. Shri V.R. Bhumkar, learned Presenting Officer appearing for the respondent authorities submitted that in the affidavit in reply, the respondents have amply clarified the reasons for directing recovery of the amount of Rs. 1,84,733/- being the payment made in excess than the entitlement of the applicant. Learned P.O. further pointed out that the respondents have given clear understanding to the applicant that if he is found to have received any excess payment, the same shall be recovered from the amount payable to him by way of retiral benefits. Learned P.O. submitted that the applicant now cannot retract from the undertaking given by

him and has lost right to challenge the said recovery. Learned P.O. pointed out the undertaking given by the applicant and submitted that even while depositing the said amount the applicant has not raised any objection and deposited the said amount without protest. In the circumstances, according to the learned P.O., no error can be found on the part of the respondents in directing the recovery and getting the said amount recovered from the gratuity payable to the applicant.

7. Learned P.O. further submitted that legal position as has been laid down in the case of **State of Punjab & others Vs. Rafiq Masih** (cited supra), has been further clarified by the Hon'ble Supreme Court in the case of **High Court of Punjab and Haryana & Ors. Vs. Jagdev Singh, in Civil Appeal No. 3500 of 2006** wherein it is held that if the employee concerned has given undertaking to refund the amount paid in excess than his entitlement then he cannot subsequently allowed to raise any objection for recovery of the said amount. Learned P.O. submitted that in view of the legal position as aforesaid, no case is made out by the applicant for

grant of any relief as has been claimed by him in the present O.A.

8. I have duly considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer appearing for the respondent authorities. I have carefully gone through the pleadings of the parties, as well as, the documents filed on record.

9. The facts which I have mentioned hereinabove are undisputed facts. The applicant was class-IV employee and retired on 31.8.2014. The respondents have not placed on record any document evidencing that at any point of time before ordering the recovery, the applicant was ever asked explanation or required to show cause why such amount shall not be recovered from him. The respondents have further not clarified as to when the aforesaid fact came to the notice of them that some excess payment was made to the applicant than his entitlement. It has also not been disclosed as to when it was noticed by the respondents that the pay of the applicant was wrongly fixed in the

year 2003 which has resulted in making excess payment to the applicant.

10. The respondents are harping on the undertaking given by the applicant and that is the only ground which is pressed by the respondents in opposing the submissions made on behalf of the applicant. It is true that the applicant has given such undertaking. Though no date is appearing below the said undertaking, from the other documents it is discernible that such undertaking was given by the applicant or obtained by the respondents at the time of forwarding the pension papers to the office of Accountant General. It is thus, evident that the undertaking was obtained from the applicant after his retirement. In the circumstances, the law laid down in the case of **High Court of Punjab and Haryana & Ors. Vs. Jagdev Singh** (cited supra) which has been cited in support of their contention by the respondents may not be applicable to the facts of the present case. As noted hereinabove the applicant is a Class-IV employee and the recovery is directed after his retirement.

11. In the case of **State of Punjab and others Vs. Rafiq Masih** (cited supra), in the following circumstances recoveries by the employers are held impermissible in law :

(i) *Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*

(ii) *Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

(iii) *Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

(iv) *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

(v) *In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."*

12. It is not in dispute that the applicant is a Class-IV employee. It is further not in dispute that

the recovery is directed after his retirement. It is further not in dispute that the recovery is in regard to the alleged excess payment made for the period in excess of 5 years before the order of recovery is issued. It is not the case of the respondents that the alleged excess payment is made to the applicant because of any fraud or misrepresentation made by the applicant in that regard. The aforesaid judgment was delivered by the Hon'ble Apex Court on December 18, 2014. The recovery in the present matter has been directed against the applicant in the year 2015 i.e. after the law was pronounced by the Hon'ble Apex Court in the said case. Having considered the facts as aforesaid it is evident that the recovery directed against the applicant vide order dated 23.1.2015 was impermissible. The applicant, therefore, has to be held entitled for refund of the said amount. In the result, the following order is passed:-

**ORDER**

(i) The order dated 23.1.2015 directing the recovery against the applicant is quashed and set aside.

**:: - 9 - ::**

**O.A. NO. 502/2022**

(ii) The respondents shall refund the amount of Rs. 1,84,733/- to the applicant within 12 weeks from the date of this order.

(iii) The O.A. stands allowed in the aforesaid terms without any order as to costs.

**VICE CHAIRMAN**

ORAL ORDER 20.12.2022-HDD