

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 20/02/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA1021/22	Jalna	Adv.C V Dharurkar (Madhav K Khairage)	Departmental Enquiry	15.03.2024	
2	OAS1910/22	Jalna	Adv.C V Dharurkar/ Adv.Vinaya Muley (Shamrao A Gite)	Departmental Enquiry	15.03.2024	
3	OA127/24	Latur	Adv.Baliram B Shinde (Tukaram T Phaphagire)	Cancellation of Appointment	02.04.2024	
4	OA146/24	A'bad	Adv.S K Mathpati (Sampatrao R Rathod)	Service Benefits/ ACPS	04.04.2024	
5	OA172/24	D'Shiv	Adv.P S Koshti (Akshay D Pawar)	Selection Process	Removed from Board	
6	OA179/24	A'bad	Adv. Amol R Gaikwad (Dattatrya D Sonune)	Promotion	11.03.2024	
7	OA180/24	Beed	Adv.Omprakash D Mane (Goraksha B Palve)	Promotion	05.03.2024	

8	MASt297/24 In OASt259/24	A'bad	Adv.S D Joshi (Sharad D Khatke)	M.A. For Sue Jointly	12.03.2024	
9	OA663/23	O'bad	Adv.Hemant Surve (Nitinchandra K Mandale)	Reversion	07.03.2024	
Order Matters						
10	MA87/23 In OA259/21	A'bad	Adv. C V Dharurkar/ Adv.Vinaya Muley Dharurkar (Megharani P Tarkase & Ors.) <u>Adv. Avinash S Deshmukh for R.Nos.4 & 5</u>	M. A. For Direction	26.02.2024	
11	MA561/19 In OASt2250/19	A'bad	Adv Ajay S Deshpande (Ratish R Manurkar)	M.A For Condonation of Delay	19.03.2024	
12	MA609/19 In OASt2372/19	A'bad	Adv.K B Jadhav (Radhabai K Kedare)	M.A. For Condoantion of Delay	19.03.2024	
13	MA82/21 In MASt276/21 In OA34/11	Beed	Adv.S R Kedar (Bharat B Sangale)	M.A. For Condonation of Delay	20.03.2024	
14	MA165/21 In OA36/13	Latur	Adv.Hemant Surve (Anil B Tirthkar)	M.A. For Restoration	07.03.2024	
15	MA511/22 In OA539/21	J'gaon	Adv.Santosh B Bhosale (Jagannath S Patil)	M.A. For Amendment	23.02.2024	
16	MA544/22 In OA762/18	O'bad	Adv.V V Deshmukh in MA544/22 (Maharashtra Rajya Bazar Samiti Karmachari	M.A. For Adding Party Respondents Challenging G.R.	04.03..2024	

			Seva Nivrutti Vetan Yojna, Pune Through its CEO, Balasaheb G Katore) <u>Adv.S D Joshi in</u> <u>OA762/18</u> (Sahebrao D Deshmukh & Ors.)			
17	MA145/23 In OA268/22	A'bad	Adv.Kalyan V Patil (Chandrashekhar K Mundhe & Ors.)	M.A. For Amendment	23.02.2024	
18	MA239/23 In MA359/22 In OA729/222 with	Jalna	Adv.V B Wagh in MA239/23 in OA729/22 (Dnyaneshwar B Jadhav & Ors.) Adv.Amol B Chalak For Intervenor in MA359/22 (Pavansing M Chungda & Ors.)	M.A.239/23 For Direction M.A.359/22 For Intervention	11.03.2024	
19	MA257/23 In MA563/22 In OA730/22	Beed	Adv.V G Pingle In MA257/23 in OA730/22 (Gajanan P Chaudhari & Ors.) <u>Adv.R A Joshi For</u> <u>Intervenor in MA563/22</u> (Bhausahab R Bhosale & Ors.)	M.A.257/23 For Direction M.A.563/22 For Intervention	11.03.2024	
20	MA439/23 In MA194/23 In OA326/16	A'nagar	Adv.V B Wagh (Changdeo G Sawant)	MA439/23 for Condonation of Delay MA194/23 For Amendment	13.03.2024	
Due Admission Matters						
21	CP03/23 In OA658/18	A'nagar	Adv.R R Bangar/ Adv.I D Maniyar (Raosaheb S Bangar) <u>Adv.S D Dhongde for</u>	Contempt Petition	20.03.2024	

			<u>R.Nos.2</u> <u>Adv.S D Dhongde has</u> <u>Filed Leave Note</u> <u>05.02.2024 to 15.03.2024</u> <u>Adv.Shamsunder B Patil</u> <u>for R.No.3</u>			
22	OA797/16	A'nagar	Adv.Party in Person (Gaurav A Chavan)	Appointment	04.03.2024	
23	OA963/17	A'bad	Adv.Avinash S Deshmukh (Vasant D Karke & Ors.)	Not to Terminate the Service/ Regularisation/ Continue in Service	06.03.2024	
24	OA13/19	A'bad	Adv.Avinash S Deshmukh (Tufansing L Shele)	Removal From Service	05.03.2024	
25	OA43/19	Jalna	Adv.K G Salunke (Sharad B Tote)	Promotion/ Seniority	26.03.2024	
26	OA158/19	O'bad	Adv.G N Kulkarni(Mardikar) (Bhagwat M Gaikwad)	Reversion	07.03.2024	
27	OA177/19	O'bad	Adv.Girish N Kulkarni (Vinodkumar V Swami)	Reversion	07.03.2024	
28	OA294/19 with	A'bad	Adv.Abhishek C Deshpande (Sujata R Palve)	Advertisement	27.03.2024	
29	OA296/19	Latur	Adv.Abhishek C Deshpande (Ashwini G Bele & Ors.)	Advertisement	27.03.2024	

30	OA127/20	A'bad	Adv.A S Deshmukh (Resha P Karhale)	Termination	12.03.2024	
31	OA377/20 With	Dhule	Adv.Manish V Bhamre (Ganesh B Choudhari) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19</u>	Final Seniority list/ Promotion	12.03.2024	
32	OA378/20 with	Dhule	Adv.Manish V Bhamre (Krushnkant I Salunke) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19</u>	Seniority List/ Promotion	12.03.2024	
33	OA379/20 With	Dhule	Adv.Manish V Bhamre (Ravindra N Wagh) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19</u>	Seniority List/ Promotion	12.03.2024	
34	OA380/20 With	Dhule	Adv.Manish V Bhamre (Kiran A Patil) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19</u>	Seniority List/ Promotion	12.03.2024	
35	OA381/20 with	Dhule	Adv.Manish V Bhamre (Kalu L Dhangar) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19</u>	Seniority List/ Promotion	12.03.2024	
36	OA470/20 With	Dhule	Adv.Manish V Bhamre (Hemant B Wankhade) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19 & 20</u>	Final Seniority list/ Promotion	12.03.2024	
37	OA471/20 With	Dhule	Adv.Manish V Bhamre (Yogesh H Salunkhe) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19 & 20</u>	Final Seniority list/ Promotion	12.03.2024	

38	OA472/20 With	Dhule	Adv.Manish V Bhamre (Dipak G Patil)	Final Seniority list/ Promotion	12.03.2024	
39	OA473/20 with	Dhule	Adv.Manish V Bhamre (Bhupendra M Gavale)	Final Seniority list/ Promotion	12.03.2024	
40	OA474/20 with	Dhule	Adv.Manish V Bhamre (Bhagwat C Teli)	Final Seniority list/ Promotion	12.03.2024	
41	OA475/20	Dhule	Adv.Manish V Bhamre (Nandkumar T Thorat) <u>Adv.S G Sharma for R.Nos.4, 8, 10 to 16 & 19 & 20</u>	Final Seniority list/ Promotion	Withdraw	
42	OA412/20	Nanded	Adv.Avinash S Deshmukh (Omprakash H Kothari) <u>Adv.S B Patil for R.Nos.2 & 4</u>	Departmental Enquiry	04.03.2024	
43	OA500/20	Latur	Adv.V B Wagh (Yeshwant K Bhandare)	Promotion	27.03.2024	
44	OA163/21	Dhule	Adv.Sanket N Suryawanshi (Nisar Kha Abdullatif Kha Pathan)	Departmental Enquiry	20.03.2024	
45	OA567/21	A'nagar	Adv.Swaraj S Tandale (Arifa Gulab Maniyar)	Quashing of Departmental Enquiry	01.04.2024	
46	OA678/21	A'bad	Adv.B R Kedar (Suresh G Tandale)	Departmental Enquiry	01.04.2024	

47	OA28/22	A'nagar	Adv.S S Jadhavar (Girish A Bibave & Ors.)	Seniority/ Promotion	22.02.2024	
48	OA100/22	Dhule	Adv.V B Wagh (Rakesh A Salunke)	Promotion	02.04.2024	
49	OA195/22	A'nagar	Adv.P G Tambade/ Adv.A P Palve (Yohan S Sarode)	Seniority List	11.03.2024	
50	OA291/22	A'nagar	Adv.S S Jadhavar (Manisha G Bargaje)	Resignation/ Departmental Enquiry	11.03.2024	
51	OA442/22	A'bad	Adv.Kakasaheb B Jadhav (Shankar M Rathod)	Reversion	21.03.2024	
52	OA602/22	Beed	Adv.Hemant Surve (Balasaheb A Shinde)	Eligibility	07.03.2024	
53	OA643/22	J'gaon	Adv.A S Deshpande (Raosaheb B Jangle)	Departmental Enquiry	05.03.2024	
54	OA655/22	N'bar	Adv.F R Tandale (Madhav C Padvi)	Departmental Enquiry		
55	OA728/22	Beed	Adv.Hemant D More (Chandrakant M Choudante)	Departmental Enquiry	27.03.2024	
56	OA740/22	A'bad	Adv.K B Jadhav (Shashikant N Tidke) <u>Adv.C K Shinde/</u> <u>Adv.Tushar Shinde for</u> <u>R.No.4</u>	Promotion	01.04.2024	

57	OA824/22	Nanded	Adv.S S Thombre/ Adv.A V Thombre (Pravin S Jadhav & Ors.)	Seniority List	14.03.2024	
58	OA1159/22	Latur	Adv.S L Bhapkar (Ravindra G Lagdive)	Select List	29.04.2024	
59	OA24/23	J'gaon	Adv.C V Dharurkar (Ashok O Mahajan)	Departmental Enquiry	14.03.2024	
60	OA34/23	A'bad	Adv. S S Thombre (Prakash M Shelar)	Promotion	08.04.2024	
61	OA246/23	Beed	Adv.V B Wagh (Dr. Chandrakant S Wagh)	Probation & Revision of Pay	28.03.2024	
62	OA366/23 With Caveat12/23	Nanded	Adv.A S Deshmukh (Nitin B Kolkekar) <u>Adv.Ajay S Deshpande</u> <u>for Ceaveator i.e. R.Nos.</u> <u>3 & 4</u>	Seniority List/ Reversion	05.03.2024	
63	OA371/23	A'nagar	Adv. R N Bharaswadkar (Rohini B Kachare)	Seniority	07.03.2024	
64	OA788/23	Beed	Adv.Hanumant P Jadhav (Vishal S Bhosale)	Promotion	20.03.2024	
65	OA879/23	Nanded	Adv.R N Bharaswadkar (Vinod H Rampure)	Selection Process	07.03.2024	
Final Hearing Matters						

66	OA487/16	A'bad	Adv.A N Ansari (Mohammed Badar Akbar Siddiqui)	Punishment		
67	OA406/16	P'bhani	Adv.Hemant Surve (Vasanta B Rathod)	Appointment	07.03.2024	
68	OA718/17	P'bhani	Adv.Poonam V Bodke Patil (Mohamad Arifoddin Gulam Dastagir Farooqui)	Dismissal from Service	18.03.2024	
69	OA76/18	Beed	Adv.A S Deshmukh (Purushottam S Andhale and 5 Others) <u>Adv.L M Kulkarni For R.Nos.3 to 6</u> <u>Adv.S R Shirsath for R.Nos.7 to 9</u>	Promotion/ Seniority	07.03.2024	
70	OA213/18	A'bad	Adv.Preeti R Wankhade (Balaji N Sontakke)	Promotion	07.03.2024	
71	OA374/18	P'bhani	Adv.K B Jadhav (Girish B Deshmukh)	Promotion	07.03.2024	
72	OA472/18	Jalna	Adv.Kakasaheb Jadhav (Kishor G Lalsare)	Dismissal	07.03.2024	
73	OA690/18	A'nagar	Adv.Ajay S Deshpande (Prmod A Kulkarni)	Departmental Enquiry	07.03.2024	
74	OA732/18	A'bad	Adv.Suchita A Dhongde Adv.Suchita A Dhongde has Filed Leave Note From 13.02.2024 to	Revision of Pay Scale	11.03.2024	

			23.02.2024 (Akhtarkhan Shahjadekhan Pathan & Ors.)			
75	OA79/19	Dhule	Adv.V B Wagh (Prakash F Patil)	Promotion	14.03.2024	
76	OA141/19	A'bad	Adv.A S Deshpande/ Adv.V P Potbhare (Dr.Pandharinath S Gawali & Ors.)	N.P.A.	15.03.2024	
77	OA248/19	A'nagar	Adv.V G Pingle (Vikram B Mate & Ors.) <u>Adv.S D Dhongde for</u> <u>R.Nos.3 & 4</u> <u>Adv.S D Dhongde has</u> <u>Filed Leave Note From</u> <u>05.02.2024 to 15.03.2024</u>	Appointment on Higher Post as per Qulificaton	14.03.2024	
78	OA374/19	A'bad	Adv.V B Wagh (Dr. Mohammad Sharif Bismilla Khan Pathan)	Voluntary Retirement	Disposed of	
79	OA410/19	A'bad	Adv.Ajay Deshpande (Santosh R Jagdale) <u>Adv.M R Kulkarni For</u> <u>R.No.2</u>	Appointment	01.03.2024	
80	OA647/19	A'bad	Adv.Avinash S Deshmukh (Balasaheb T Deshmukh)	Promotion	14.03.2024	
81	OA787/19	J'gaon	Adv.S N Lute (Laxman P Huse)	Selection	14.03.2024	
82	OA788/19	J'gaon	Adv.Santosh B Bhosale (Santoshkumar A Kaul) <u>Adv.S D Dhongde for</u> <u>R.No.2</u> <u>Adv.S D Dhongde has</u>	Dismissal	01.03.2024	

			<u>Filed Leave Note From 05.02.2024 to 15.03.2024</u>			
83	OA792/19	Beed	Adv.Prashant D Suryawanshi (Datta Prasad Hiranman Galphade) <u>Adv.V B Wagh for R.No.3</u>	Selection	14.03.2024	
84	MA332/22 In OA742/22 With	Nanded	Adv.A V Lavte/ Adv.Sarvesh Naik (Ram H Navtakke)	M.A. For I.R.	18.03.2024	
85	MA340/22 In OA588/22 with	Nanded	Adv.A V Lavte/ Adv.Sarvesh Naik (Ramesh M Chavan)	M.A. For I.R.		
86	MA341/22 In OA589/22 with	Nanded	Adv.A V Lavte/ Adv.Sarvesh Naik (Vijaykumar A Naik)	M.A. For I.R.		
87	MA342/22 In OA590/22 with	Nanded	Adv.A V Lavte/ Adv.Sarvesh Naik (Shivaji R Potdar)	M.A. For I.R.		
88	MA343/22 In OA591/22 with	Nanded	Adv.A V Lavte/ Adv.Sarvesh Naik (Khaja Latifoddin Mohammad Hasnuddin & Ors.)	M.A. For I.R.		
89	MA344/22 In OA592/22	Nanded	Adv.A V Lavte/ Adv.Sarvesh Naik (Gangadhar S Pentewad)	M.A. For I.R.		

Date: -20/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP25/23 In OA205/21	A'nagar	Adv S D Joshi (Ramesh Y Gunjal)	Contempt Petition	19.03.2024	
2	CP47/23 In OA582/17	A'nagar	Adv A S Shelke (Sanjay B Kokate)	Contempt Petition	05.03.2024	
3	OA493/18	A'nagar	Adv.H.A. Joshi (Rajendra K Shimpi)	M.A. For Restoration	01.03.2024	
4	OA843/19	P'bhani	Adv.I.G. Durrani (Kailas V Aghav)	Selection	04.03.2024	
5	OA230/21	J'gaon	Adv.Ajay S Deshpande (Vaidya Smt. Meenal P Thosar)	Seniority	19.03.2024	
6	OA78/22	Jalna	Adv A D Gadekar (Vaishali B Tote)	Seniority/ Promotion	<u>19.03.2024</u>	
7	OA84/22	A'nagar	Adv.A.P. Avhad (Bapu V Vetal)	Appointment	05.04.2024	
8	OA164/22	Jalgaon	Adv C V Dharurkar (Nasiroddin Ajamoddin Shaikh)	Dismissal from Service	<u>14.03.2024</u>	
9	OA210/22	O'bad	Adv K G Salunke/ Adv K B Jadhav (Mangesh M Wagholikar & Ors.)	Seniority List	15.03.2024	

10	OA237/22	Jalna	Adv.S.S. Jadhavar (Vinayak U Banchod)	Seniroyty List/ Promotion	15.03.2024	
11	OA507/22	Beed	Adv.V.S. Kadam (Lande Akshay Ramnath)	Selection List	05.03.2024	
12	OA508/22	A'nagar	Adv.V.S. Kadam (Mangesh D Auti)	Selection List	05.03.2024	
13	OA754/22	Nanded	Adv.S.S. Thombre (Akash K Chougule)	Show Cause Notice/ Termination	04.03.2024	
14	OA927/22	Latur	Adv.Avinash S Deshmukh (Ratan V Kajale)	Seniority/ Promotion	19.03.2024	
15	OA1098/22	N'bar	Adv N L Choudhari (Dr. Kishor S Agale)	Challenging Clause of G.R	01.04.2024	
16	OA1004/22	Jalna	Party in Person (Nashiket S Jadhav)	Selection Process Merit List	07.03.2024	
17	OA115/23	Jalgaon	Adv S D Joshi (Satish S Kulkarni)	Promotion	<u>19.03.2024</u>	
18	OA140/23	N'bar	Adv A B Girase / Adv A C Sisodiya (Farukh N Pinjari)	Termination	<u>20.03.2024</u>	
19	OA321/23	A'nagar	Adv S S Jadhavar (Mira B Avhad)	Removal From Service	11.03.2024	
20	OA341/23	Beed	Adv S S Jadhavar (Dr. Jayashree E Bangar) <u>Adv. S B Solanke</u> <u>For R-3</u>	Selection Process (MPSC)	11.03.2024	

21	OA825/23	Dhule	Adv.Dhananjay Mane (Sonia D Bagde)	Appointment	01.04.2024	
22	OA863/23	Nanded	Adv Pavan P Uttarwar (Almodding Babu Shaikh & Ors.)	Selection Process	07.03.2024	
23	OA878/23	Nanded	Adv.R.N. Bharaswadkar (Avdhut S Waghmode)	Selection Process	07.03.2024	
24	OA885/23	Nanded	Adv Nagesh Talekar (Mokhedi V Swami) <u>As per in Mention Ref. Order Dtd. 16.10.2023 Adv R N Bharaswadkar has Appeared for R-5 and sought time to file Vakalatnama but as per office record Adv R N Bharaswadkar has not filed Vakalatnama</u>	Selection Process	07.03.2024.	
25	OA886/23	Beed	Adv M S Bhosle (Rani D Sathe) <u>Adv N L Jadhav For R-4</u>	Appointment	Disposed of	
26	OA1003/23	Hingoli	Adv J S Deshmukh (Dr. Udaykumar T Helkar) <u>Adv S B Ghute For R-4</u>	Continuation of Service	28.03.2024	

27	OA1027/23	Beed	Adv Shamsunder B Patil (Dr. Vishesh R Lohakpure)	Appointment Posting	20.03.2024	
28	TA03/24 WP1216/24 With Caveat 03/24	Dhule	Adv N L Choudhari (Nagej M Kandare) <u>CPO For Caveator</u> <u>03/24</u>	Selection Process	28.02.2024	
29	OA09/24	P'rbn	Adv Shamsunder B Patil (Dr. Bapurao K Pawar)	Seniority List	07.03.2024	
30	OA20/24	Dhule	Adv H P Jadhav (Dr. Chandrakant S Avhad)	Selection Process	26.02.2024	
31	OA32/24	Ch. Sambhaji Nagar	Adv Yuvraj R Barhate (Nagsen K Sarje & Ors.)	Selection Process	01.03.2024	
32	OA65/24	P'rbn	Adv R A Joshi (Sachinsingh B Chauhan)	Selection Process	04.03.2024	
33	OA128/24	Ch.S.Nagar	Adv C R Thorat (Swanand V Mamilwad & Anr.)	Appointment	Allowed	
Order Matters						
34	MA89/23 In OAST3037/22	A'nagar	Adv A P Avhad (Annasaheb R Andhale)	M.A For Condonation of Delay	27.03.2024	

35	MA520/23 In OAS1721/23	A'bad	Adv A V Thombre (Raju L Magar)	M.A For Condonation of Dealay	Disposed of	
36	MA15/24 With MASt33/24 In OA1022/23	Nanded	Adv H P Jadhav (Dr.Chandrakant S Avhad) Adv B R Kedar In O.A 1022/23 (Dr. Yogendra G Yeotikar)	M.A For Intervention	26.02.2024	

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single
Bench*

Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -20/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA406/21	Beed	Adv Avinash S Deshmukh (Sajed M Siddiqui)	Transfer	For Filing Affidavit in Rejoinder	14.3.2024
2	TA12//22 WP3413/22	A'bad	Adv A S Shejwal (Shubham K Gadve)	Compassionate Appointment Direction	Await Service	14.3.2024
3	OA636/22	Jalna	Adv A N Patil- Barhate (Kavita S Khokhale)	Directions/ Compassionate Appointment Dispute between Legal Heirs	For Filing Affidavit in Rejoinder	14.3.2024
4	OA772/22	A'nagar	Adv A S Khedkar (Moreshwar D Nawale)	Withdrawal of Benefit of T.B. P	For Filing Affidavit in Rejoinder	14.3.2024
5	OA798/22	Nanded	Adv Kakasahab B Jadhav (Vitthal D Gire)	Counting of Service for Pension & Other Benefits	Reply Filed By R-1 to R-4 & For Filing Affidavit in Rejoinder	14.3.2024

6	OA150/23	Jalgaon	Adv P G Gunale (Ramchandra C Bhalerao)	Leave Encashment	For Filing Affidavit in Reply	5.3.2024
7	OA219/23	Nanded	Adv M V Ghatge/ Adv M S Taur (Pathan Haider Ali Khan S/o Umarkhan)	Pay Fixation/ Recovery	For Filing Affidavit in Reply	14.3.2024
8	OA305/23	A'bad	Adv A B Rajkar (Rahul K Landge)	Compassionate Appointment Direction	Reply Filed By R-1 to R-4	14.3.2024
9	OA809/23	A'bad	Adv Sandesh R Patil (Rajashree N More)	Medical Re-imburement	For Filing Affidavit in Reply	14.3.2024
10	OA970/23	Jalna	Adv Vaibhav U Pawar (Chandrashekhar B Kakde & Ors.)	Old Pension Scheme	For Filing Affidavit in Reply	1.3.2024
11	OA971/23	A'bad Etc.	Adv Vaibhav U Pawar (Sambhaji S Patil & Ors.)	Pension Scheme	For Filing Affidavit in Reply	1.3.2024
12	OA1093/23	Nanded	Adv A S Deshpande (Rajeev U Saxena)	Payment of Interest	Await Service	14.3.2024
13	OA87/24	Beed	Adv A K Tiwari (Jitendra S Raut)	Transfer	For Filing Affidavit in Reply	12.3.2024
Order Matters						
14	MA19/23 In OAS602/22	Nanded	Adv C R Thorat (Bharat V Lahane)	M.A For Condonation of Delay	Await Service	18.3.2024
15	MA331/23 In OA532/17	Nanded	Adv MS A N Ansari (Amir Khan Ibrahim Khan)	M.A to bring L.RS on Record with Prayer of delay & setting aside abatement	Await Service R-2	20.3.2024

16	MA361/23 In OAS1150/23	N'bar	Adv S A Kulkarni (Arvind N Patil)	M.A For Condonation of Dealy	For Filing Affidavit in Reply	27.3.2024
17	MA394/23 In OAS1553/23	A'bad	Adv Vivek G Pingle (Gajanan S Khade)	M.A For Condonation of Delay	For Filing Affidavit in Reply	5.3.2024
18	MA533/23 In OAS1802/23	A'bad	Adv Suchita Upadhyay <u>Adv Suchita Upadhyay has Filed Leave note From 13.02.2024 to 23.02.2024</u> (Yashwant D Kulkarni)	M.A For Condonation of Delay	For Filing Affidavit in Reply	20.3.2024

**M.A.NO. 434 OF 2023 IN O.A.ST.NO. 1676 OF 2023
(Pooja C. Patil & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Herd Shri Ganesh J. Kore, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. By this Misc. Application the applicants are seeking condonation of delay caused in filing the accompanying Original Application.

3. Learned counsel for the applicants submits that the applicant No.2 i.e. mother of applicant No.1 has filed an application for compassionate appointment on account of death of her husband who was in service died in harness. The applicant No.1 was minor at the time when mother had filed application for compassionate appointment. However, after attending the age of majority, the applicant No.2 (mother) of the applicant No.1 wanted to substitute the name of applicant No.1 in her place. But by order dated 22-25/02/2022, the respondent No.2 has rejected the said application on the ground that substitution is impermissible.

//2// M.A. 434/2023 in
O.A.St. 1676/2023

4. Learned counsel for the applicants submits that the applicant No.1 is taking education and she is residing at Indi, Ta. Indi, Dist. Vijapur, State of Karnataka. As such, the applicants could not immediately file the original Application within stipulated time. Thus the delay of 6 months caused in filing the Original Application. The said delay is not intentional and deliberate one. There is no inaction on the part of the applicants and the same may be condoned.

5. Learned Presenting Officer submits that the reasons mentioned for condonation of delay are not convincing. There is an inordinate delay in filing the Original Application. There is no substance in the Original Application and the same is liable to be rejected.

6. It appears that the applicant No.1 is student and residing at Indi, Tal. Indi, Dist. Vijapur, State of Karnataka. It further appears by the order dated 22-25/02/2022 that the department has turned down her request for substitution in place of her mother for the reason that the substitution is not

//3// M.A. 434/2023 in
O.A.St. 1676/2023

permissible. The applicant No.2 (mother) of applicant No.1 had filed an application for compassionate appointment, however, she wanted to substitute the applicant No.1 after she attained the age of majority. Though there is a delay of 6 months, the same is not intentional and deliberate one. Thus I am inclined to condone the delay. However, the applicants are required to be saddled with costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicants and proceed to pass the following order: -

ORDER

The Misc. Application No. 434/2023 is allowed in following terms:-

- (A) The delay of 6 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs shall be deposited in the Registry of this Tribunal within a

//4// M.A. 434/2023 in
O.A.St. 1676/2023

period of one month from the date of
this order.

- (B) Upon satisfaction of the costs as above,
the accompanying O.A. be registered
and numbered by taking in to account
other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1676 OF 2023
(Pooja C. Patil & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 10.04.2024.

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

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

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

//2// O.A.St. 1676/2023

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 10.04.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**M.A.NO. 33 OF 2024 IN O.A.NO. 161 OF 2023
(Balu S. Bharnale & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicants, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 19.03.2024.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

ORIGINAL APPLICATION NO. 775 OF 2017
(Dilip N. Sangle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Dr. Kalpalata Patil-Bharaswadkar, learned counsel for the applicants, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicants. Even on the last three occasions, the applicants and his counsel remained absent. It appears that the applicants are not interested in prosecuting the matter. Hence, the Original Application is dismissed in default.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**ORIGINAL APPLICATION NO. 940 OF 2017
(Chandrashekar Gangurde Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri Sudhir Patil, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Even on the last three occasions, the applicant and his counsel remained absent. It appears that the applicant is not interested in prosecuting the matter. Hence, the Original Application is dismissed in default.

MEMBER (J)

**ORIGINAL APPLICATION NO. 209 OF 2020
(Akhil Ahmed Mukheed Ahmed Kazi Vs. State of
Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri Ravindra B. Ade, learned counsel for the applicant and Shri S.J. Salunke/M.B. Kolpe, learned counsel for respondent No.7, are **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 08.04.2024 as a last chance for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 407 OF 2021
(Aziz Immam Shaikh Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri Gaurav L. Deshpande, learned counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 08.04.2024 as a last chance for hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

ORIGINAL APPLICATION NO. 987 OF 2022
(Fatema Rahim Beg & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri T.K. Rathod, learned counsel for the applicants, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 10.04.2024 as a last chance for hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**ORIGINAL APPLICATION NO. 53 OF 2023
(Satish K. Marathe Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Smt. Rutuja L. Jakhade, learned counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 10.04.2024 as a last chance for hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**ORIGINAL APPLICATION NO. 56 OF 2023
(Uma G. Rajput Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri D.B. Pawar-Pathrekar, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 10.04.2024 as a last chance for hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

ORIGINAL APPLICATION NO. 1156 OF 2022
(Shrikant S. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri D.T. Devane, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. By way of filing this Original Application the applicant is seeking direction to the respondent to grant the notional promotion to the applicant on the post of Additional Registrar when the Junior Officer of the applicant has been promoted.

3. Learned counsel for the applicant submits that the applicant came to be retired on 31.07.2021 on attaining the age of superannuation from the post of Joint Registrar, Co-operative Societies. On 17.06.2022, the applicant has submitted an application to the Government seeking deemed date of promotion on the post of Additional Registrar. However, the said application is yet not decided.

4. Learned P.O. submits that in the affidavit in reply filed on behalf of respondent No.6 particularly in paragraph No. 7 it is stated that so far as the

//2// O.A. 1156/2022

application submitted by the applicant dated 17.06.2022 seeking deemed date of promotion on the post of Additional Registrar is concerned, the State Government has called the report of Commissioner and after receipt of report from Commissioner, the Government may take appropriate decision on the application of the applicant for deemed date on the post of Additional Registrar.

5. In view of same, learned P.O. is directed to take specific instructions in this regard from the respondents without any further delay.

6. S.O. to 05.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 20.02.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. In order to comply with the order dated 19.12.2023, learned P.O. seeks short adjournment.

3. Learned counsel for the applicant has opposed the request for the reason that the applicant though retired on 31.05.2022, he has received provisional pension only for the period of 6 months and thereafter, the provisional pension also not paid to him. Except Leave Encashment, no other pensionary benefits have been extended to the applicant.

4. Learned P.O. submits that the affidavit is almost ready but the respondent No.6 is busy today due to some official work.

5. Learned P.O. is directed to file affidavit in reply of respondent No.6 positively on the next date or otherwise keep respondent No.6 present in person before this Tribunal on the next date.

6. S.O. to 06.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 20.02.2024

ORAL ORDER :

Shri R.K. Ashtekar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. In compliance with the order dated 13.12.2023, learned P.O. seeks short adjournment.

3. Learned counsel for the applicant has strongly opposed the request. However, the minutes of meeting of Civil Services Board is necessary for the just disposal of this Original Application.

4. Learned P.O. is directed to submit the copy of minutes of meeting of Civil Services Board on the next date positively.

5. S.O. to 05.03.2024 as a last chance for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 734 OF 2023
(Girish S. Visave Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri C.A. Shingare, learned counsel holding for Shri Yogesh K. Bobade, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Ms. A.N. Ansari, learned counsel for respondent No.4, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.04.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 736 OF 2023
(Ushabai P. Tupe Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri Akshay S. Tilve, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the department is not ready to consider the application submitted by the applicant for compassionate appointment for the reason that the mother in law of the applicant is not giving no objection.

3. Learned counsel for the applicant submits that the department has informed to the applicant that only after receiving no objection certificate, the applicant would receive the call of recruitment for the post of Police Constable.

4. In view of above, learned counsel for the applicant seeks leave to implead the mother in law as a party respondent in this Original Application. Leave granted.

//2// O.A. 736/2023

5. In the event, if the mother in law is impleaded as party respondent in this O.A. within a week from today, issue notice to newly added respondent thereafter, returnable on 12.03.2024.

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

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

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

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

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Applicant is directed to file affidavit of compliance and notice.

10. S.O. to 12.03.2024.

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

MEMBER (J)

ORAL ORDER 20.02.2024 sas

ORIGINAL APPLICATION NO. 961 OF 2023
(Jagdish R. Bhandarwar Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri M.S. Karad, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. By way of this Original Application the applicant is seeking direction against the respondent No.2 to join him as Police Inspector at Local Crime Branch, Nanded pursuant to the impugned transfer order dated 18.02.2023.

3. Learned P.O. submits that by order dated 18.02.2023 the applicant came to be transferred from Police Station, Wazirabad to Local Crime Branch, Nanded. On 31.10.2023, the applicant has joined the place of his transfer, however, on 10.11.2023 (Exh. 'R-1'), the applicant has submitted an application for posting at Economic Offence Wing instead of Local Crime Branch, Nanded.

4. Learned P.O. submits that as per the affidavit in reply filed on behalf of respondent No.2 it is specifically stated in paragraph No. 5 that after

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O.A. 961/2023

receiving the letter from the applicant dated 10.11.2023, the applicant came to be posted to Economic Offence Wing on 13.11.2023 and the applicant has also joined the said post as per his will and wish. Learned P.O. submits that in view of same, nothing survives for further consideration in this O.A.

5. On Perusal of Exhibit 'R-1' it appears that after joining the place of transfer, the applicant has submitted application dated 10.11.2023 for his posting to Economic Offence Wing instead of Local Crime Branch, Nanded and it appears as per the affidavit in reply filed on behalf of respondent No.2 that the said request has been accepted and the applicant has been transferred to Economic offence Wing and he has joined the said post.

6. In view of above, nothing survives for further consideration in this Original Application. The Original Application has become infructuous and the same is accordingly disposed of. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1102 OF 2023
(Paresh D. Khosre Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities for some time.

2. Learned counsel for the applicant vehemently submits that the competent authority has not transferred the applicant and in fact, the respondent No.3 i.e. the Deputy Commissioner (Revenue), Chh. Sambhajinagar has transferred the applicant. Leaned counsel for the applicant submits that the respondent No.4 i.e. the Collector, Chh. Sambhajinagar is the competent authority to transfer the applicant.

3. Learned P.O. submits that there is specific reply submitted by the respondent Nos. 2 & 3 that now a revised quota has been fixed about how many Awwal Karkoon and Clerks are to be taken from which district to the establishment of the Divisional Commissioner and all the Collectorate Offices have

//2//

O.A. 1102/2023

been informed about it through a letter dated 16.05.2017 (Exh. 'R-1').

4. In view of above, learned P.O. is directed to file short affidavit of the respondents to explain the same and submit any G.R., notification issued by the Government in this regard.

5. S.O. to 05.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

ORIGINAL APPLICATION NO. 508 OF 2023
(Shalini P. Bidarkar Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that so far as the suspension order passed against the applicant is concerned, though the same has been revoked after expiry of 90 days i.e. on 06.07.2023, however, the applicant has preferred an appeal before the concerned Hon'ble Minister on 16.03.2023 challenging therein the order of suspension. Learned counsel for the applicant submits that though in the O.A.No. 236/2023 this Tribunal has given specific directions to respondent No.1 to decide the appeal preferred by the applicant on its own merit as expeditiously as possible and preferably within the period of 8 weeks from the date of this order, however, the said appeal is still pending for consideration.

//2//

O.A. 508/2023

3. Learned P.O. submits that the suspension has been revoked and as such, the respondent No.1 may take its own time to decide the appeal.

4. Learned counsel for the applicant submits that according to the applicant the said suspension is politically motivated and the applicant has also challenged the merits of the said suspension order in the appeal preferred before the respondent No.1.

5. In view of same, learned P.O. is directed to take specific instructions from the respondent No.1 in this regard and make appropriate submission on the next date about pending appeal, if any.

6. S.O. to 05.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 20.02.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present. Shri U.S. Mote, learned counsel for respondent No.3, is **absent**.

2. At the request of the learned counsel for the applicant, S.O. to 12.04.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

- 1. ORIGINAL APPLICATION NO. 49 OF 2021**
(Vandana P. Sarode Vs. State of Maharashtra & Ors.)
- 2. ORIGINAL APPLICATION NO. 585 OF 2021**
(Latabai D. Avhad Vs. State of Maharashtra & Ors.)
- 3. ORIGINAL APPLICATION NO. 76 OF 2022**
(Ashok R. Jawale Vs. State of Maharashtra & Ors.)
- 4. ORIGINAL APPLICATION NO. 246 OF 2022**
(Dilip Y. Rupekar Vs. State of Maharashtra & Ors.)
- 5. ORIGINAL APPLICATION NO. 652 OF 2018**
(Indira A. Maind & Ors. Vs. State of Maharashtra & Ors.)
- 6. ORIGINAL APPLICATION NO. 586 OF 2021**
(Prakash I. Sarode Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicants in all the matters and Shri N.U. Yadav, learned Presenting Officers for the respondent authorities in respective matters, are present.

2. Learned counsel for the applicants submits that these applicants are similarly situated employees as per the applicants in the O.A.No. 611/2018 and other connected matters.

3. Learned counsel for the applicants submits that this Tribunal by judgment and order dated 06.07.2022 has allowed the said O.As. with a specific directions to the respondents in terms of the

//2// O.A.49/2021 & Ors.

notifications dated 15.02.2003 and 28.09.2010 respectively. Learned counsel for the applicants submits that the applicants are entitled for the same relief. Learned counsel for the applicants has placed on record the copy of judgment and order dated 06.07.2022 passed by this Tribunal in the said O.A.No. 611/2018 along with other connected matters and copy thereof is given to learned P.O. today itself.

4. Learned P.O. seeks short time to go through the said order and make appropriate submission as to whether these applicants are also covered by the order passed by this Tribunal in the aforementioned O.A.

5. S.O. to 28.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 88 OF 2019
(Kashinath G. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of the learned counsel for the applicant, S.O. to 01.04.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

ORIGINAL APPLICATION NO. 921 OF 2018
(Shriram B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 28.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**ORIGINAL APPLICATION NO. 922 OF 2018
(Hanshraj M. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the parties, S.O. to 28.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**ORIGINAL APPLICATION NO. 923 OF 2018
(Shivaji M. Shelke Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Smt. Anuradha Mantri, learned counsel for respondent No.4, are present.

2. By consent of parties, S.O. to 28.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**ORIGINAL APPLICATION NO. 924 OF 2018
(Dhananjay P. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the parties, S.O. to 28.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

**ORIGINAL APPLICATION NO. 578 OF 2016
(C.H. Dongaonkar Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant has filed a **leave note**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5, are present.

2. In view of leave note of learned counsel for the applicant, S.O. to 03.04.2024 for final hearing.

MEMBER (J)

ORAL ORDER 20.02.2024 sas

T.A.NO. 3/2024 (W.P.NO. 1216/2024)
(Nagej Mohan Kandare Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Shri S.P. Dhoble, learned counsel holding for Shri N.L. Choudhari, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Request is opposed by the learned counsel for the applicant. It is submitted that the Caveat has been filed on behalf of the respondents. If this is so the respondents in fact should not have asked for time and they should have filed the affidavit in reply on the given date. However, in the interest of justice, one week's time is granted to file affidavit in reply. It is made clear that, if the affidavit in reply is not filed on the given date, the matter may be heard without reply of the respondents.

3. S.O. to 28.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 788 OF 2023
(Vishal Shrirang Bhosale Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks leave of this Tribunal to file affidavit in reply on behalf of respondent No. 1. Learned counsel appearing for the applicant graciously consented for taking reply on record. Accordingly, reply is taken on record. Learned counsel however, seeks some earlier date for hearing.

3. In view of above, S.O. to 20.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

M.A. 15/24 IN M.A.ST.33/24 IN O.A. 1022/23
(Dr. Chandrakant Subhash Avhad in Mas / Dr. Yogendra G. Yeotikar in O.A. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant in M.A. 15/24 & M.A.St. 33/24, V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.S. Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant in O.A., are present.

2. Learned counsel for the applicant in O.A. seeks time to file affidavit in reply to the M.A. One week's time is granted.

3. S.O. to 26.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

ORIGINAL APPLICATION NO. 20 OF 2024
(Dr. Chandrakant Subhash Avhad Vs. State of Mah. & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri H.P. Jadgav, learned counsel for the applicant 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 the respondents. Time granted.

3. S.O. to 26.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

ORIGINAL APPLICATION NO. 65 OF 2024
(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of the respondents. The request is opposed by the learned counsel appearing for the applicant. In the interest of justice, time granted till 04.03.2024.

3. It is made clear that if the respondents fail to file their affidavits in reply on the given date, it would be open for the applicant to press for interim relief as prayed for in the O.A.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

ORIGINAL APPLICATION NO. 412 OF 2022
(Omprakash H. Kothari Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent No. 4, are present.

2. S.O. to 04.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

ORIGINAL APPLICATION NO. 754 OF 2022
(Akash Kumar Chougule Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 04.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

M.A.NO. 520/2023 IN O.A.ST.NO. 1721/2023
(Raju Laximanrao Magar Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

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

2. This is an application filed by the applicant for condonation of delay of about 246 days occurred in filing the accompanying Original Application.

3. After having considered the M.A. and affidavit in reply filed by respondent Nos. 2 & 3 thereto, it appears to us that delay occurred in filing accompanying Original Application has been properly explained and the applicant, therefore, needs to be given an opportunity to prosecute the O.A. on merits. Therefore, we are inclined to allow the present M.A. Hence the following order: -

**:: 2 - :: M.A.NO. 520/2023 IN
O.A.ST.NO. 1721/2023**

ORDER

- (1) M.A. stands allowed with no order as to costs.
- (2) The delay occurred in filing Original Application is condoned.
- (3) The Original Application be registered in accordance with law.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

ORIGINAL APPLICATION NO. 194 OF 2024
(Raju Laximanrao Magar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

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

Respondents have already appeared in the present Original Application

2. On perusal of the Original Application, it is revealed that the only relief sought by the applicant is to issue direction against respondent No. 1 to decide statutory appeal preferred by the present applicant. In the circumstances, we see no difficulty in disposing of the Original Application without going into the merits of the contentions raised in the Original Application. Hence, the following order: -

ORDER

(i) Respondent No. 1 shall decide the appeal preferred by the present applicant on 18.06.2019 on

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O.A. NO. 194/2024

its own merits and in accordance with law within the period of Eight (08) weeks from the date of this order.

(ii) The Original Application stands disposed of with no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 20.02.2024-HDD

ORIGINAL APPLICATION NO. 174 OF 2024
(Maksud Ahmed Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. The present Original Application pertains to transfer of the applicant in view of the directions issued by the Election Commission of India in lieu of the General Elections.

3. Learned counsel for the applicant submits that the Parbhani district is home district of the applicant and by order dated 07.06.2021; he came to be transferred to City Traffic Branch Parbhani. At City Traffic Branch Parbhani, the applicant was working in the Traffic Branch attached to the office of Superintendent of Police in Parbhani District, which is admittedly non-executive post. Learned counsel submits that the applicant has not completed his three years at Parbhani and even though, he was holding non-executive post under the pretext of the

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O.A. No. 174/2024

directions given by the Election Commission of India, the applicant came to be transferred. Learned counsel submits that the applicant is due for retirement on attaining the age of superannuation on 31.12.2024 and considering the entire aspect of the case, he may be protected. Learned counsel on instructions from the applicant submits that the applicant is yet not relieved from Parbhani, though the transferred under the orders of the respondent authorities on 15.01.2024 from Parbhani to Nanded.

4. The applicant is holding non-executive post in the Traffic Branch attached to the office of Superintendent of Police in Parbhani district and on 31.05.2021, he came to be transferred to Parbhani. However, he came to be transferred to City Traffic Branch Parbhani on non-executive post on 07.06.2021. Hence, the applicant has not completed his normal tenure and thus appears to be mid-term and mid-tenure transferred. It appears that the guidelines issued by the Election Commission of India prima-facie are not applicable to the transfer of the applicant, even though under the garb of the

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O.A. No. 174/2024

said directions, the applicant has been transferred. The applicant has yet not relieved.

5. Issue notices to the respondents, returnable on 14.03.2024. **Till then, the interim relief in terms of prayer clause 26(C) is hereby granted, which is as follows :-**

“C) Pending hearing and final disposal of present Original Application, operation, implementation and effect of recommendation dated 15.01.2024 issued by respondent No. 2 recommending to transfer services of applicant from Parbhani District to Nanded District and the consequential orders if any passed on the basis of said order may kindly be stayed and applicant may kindly be permitted to discharge his regular duties at his existing place of posting.”

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

7. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are

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O.A. No. 174/2024

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

10. S.O. to 14.03.2024.

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

MEMBER (J)

KPB ORAL ORDER 20.02.2024

ORIGINAL APPLICATION NO. 173 OF 2024
(Ravindranath S. Deepak Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri Mohit Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The present Original Application pertains to transfer of the applicant in view of the directions issued by the Election Commission of India in lieu of the General Elections.

3. Learned counsel for the applicant submits that the Parbhani district is home district of the applicant and by order dated 12.08.2022; he came to be transferred to City Traffic Branch Parbhani. At City Traffic Branch Parbhani, the applicant was working in the Traffic Branch attached to the office of Superintendent of Police in Parbhani District, which is admittedly non-executive post. Learned counsel submits that the applicant has not completed his three years at Parbhani and even though, he was holding non-executive post under the pretext of the

directions given by the Election Commission of India, the applicant came to be transferred. Further the applicant has undergone coronary angiography and even stents are also inserted. Certificates to that effect are annexed to this Original Application is marked at page Nos. 52 to 56. Learned counsel submits that the applicant is due for retirement on attaining the age of superannuation on 28.02.2025 and considering the entire aspect of the case, he may be protected. Learned counsel on instructions from the applicant submits that the applicant is yet not relieved from Parbhani, though the transferred under the orders of the respondent authorities on 15.01.2024 from Parbhani to Nanded.

4. The applicant is holding non-executive post in the Traffic Branch attached to the office of Superintendent of Police in Parbhani district and in the year 2021, he came to be transferred to Parbhani. However, he came to be transferred to City Traffic Branch Parbhani on non-executive post in the year 2022. Hence, the applicant has not completed his normal tenure and thus appears to be mid-term and mid-tenure transferred. It appears that the

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O.A. No. 173/2024

guidelines issued by the Election Commission of India prima-facie are not applicable to the transfer of the applicant, even though under the garb of the said directions, the applicant has been transferred. The applicant has yet not relieved.

5. Issue notices to the respondents, returnable on 14.03.2024. **Till then, the interim relief in terms of prayer clause 25(C) is hereby granted, which is as follows :-**

“C) Pending hearing and final disposal of present Original Application, operation, implementation and effect of recommendation dated 15.01.2024 issued by respondent No. 2 recommending to transfer services of applicant from Parbhani District to Nanded District and the consequential orders if any passed on the basis of said order may kindly be stayed and applicant may kindly be permitted to discharge his regular duties at his existing place of posting.”

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

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O.A. No. 173/2024

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

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

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

10. S.O. to 14.03.2024.

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

MEMBER (J)

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

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

DATE : 20.02.2024

ORAL ORDER :

Shri S.R. Shirsath, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned Presenting Officer.

3. S.O. to 27.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 620 OF 2021
(Dilip N. Dhonde Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri S.R. Shirsath, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 20.02.2024

**M.A. No. 394/2023 in O.A. St. No. 1553/2023
(Gajanan S. Khade Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

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

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

3. S.O. to 05.03.2024.

MEMBER (J)

KPB ORAL ORDER 20.02.2024

ORIGINAL APPLICATION NO. 181 OF 2024
(Pankaj M. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 08.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 08.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 81 OF 2018
(Sayyed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri D.A. Bide, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. In compliance with the directions given in the order dated 05.02.2024, learned Presenting Officer submits that the communication is received from the Superintendent of Police, Latur and seeks some time to file additional reply. Learned P.O. thus seeks time to file additional reply. Time granted.

3. It is a part heard matter. S.O. to 05.03.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 514 OF 2021
(Gautam G. Dhule Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Heard Ms. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. In compliance with the directions given in the order dated 29.01.2024, learned Presenting Officer submits short affidavit on behalf of respondent No.

3. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned counsel for the applicant seeks time to go through the short affidavit and file reply, if any. Time granted.

4. It is a part heard matter. S.O. to 12.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 251 OF 2023
(Ashok B. Shejwal Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Heard ShriShaikh Mazhar A. Jahagirdar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer in response to the directions given in the order dated 31.01.2024 seeks time to file sur-rejoinder, if permitted, along with documents as directed. Leave granted to file sur-rejoinder.

3. It is a part heard matter. S.O. to 05.03.2024 for hearing.

MEMBER (J)

M.A. No. 373/2019 in O.A. No. 980/2018
(Narayan Kardam Vyas Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant (**Absent**).

Heard Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The present Misc. Application is filed by the applicant seeking amendment in the O.A.

3. It appears from the bare reading of the application that by way of amendment the applicant is challenging G.R. dated 07.10.2016, which is applicable to the clerical cadre employees of the State Government in the Mantralaya and employees working in rest of the State other than Mumbai and Greater Mumbai have been excluded from the beneficial provision of the said G.R., for which there is absolutely no justification forthcoming. According to the applicant as stated in the application, hostile discrimination is made by the Government in Finance Department and in view of the same, it is necessary to challenge the legality and validity of the said G.R. dated 07.10.2016.

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M.A. 373/2019 in
O.A. 980/2018

4. Learned Presenting Officer submits that though the affidavit in reply on behalf of respondent No. 3 is filed in the present M.A., however the appropriate order may be passed, since the applicant is seeking amendment at this stage.

5. The Original Application is yet to be admitted. The applicant is seeking amendment to challenge the G.R. dated 07.10.2016 issued by the Finance Department.

6. In view of the same and for the reasons stated in the application, the M.A. No. 373/2019 is hereby allowed in terms of prayer clause (A). The applicant shall carry out the necessary amendment in the O.A. within a period of two weeks and amended copy of the O.A. be served on the other side. The M.A. accordingly disposed of. No order as to costs.

7. O.A. to come up for hearing on 19.03.2024.

MEMBER (J)

M.A. No. 217/2021 in O.A. St. No. 598/2021
(Vitthal S. Lokhande & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. There is a delay of 05 years and 05 months (1975 days) caused in filing the accompanying Original Application.

3. Both the applicants are retired employees. The applicant No. 1 retired from the post of Office Superintendent from the office of respondent No. 3 on superannuation vide order dated 30.04.2013 and applicant No. 2 retired on 31.05.2016 on superannuation.

4. Learned counsel for the applicants submits that the applicant No. 1 was working as Assistant Superintendent in the office of respondent Nos. 2 and 3 and the applicant No. 2 was working as In-

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M.A. No. 217/2021 in
O.A. St. No. 598/2021

charge Sister in the office of respondent Nos. 2 & 3 and both of them were granted two advance increments in view of the Government Circulars on the basis of work done during the certain period. Even though the entries were taken in the service book, but the benefits were not extended by the respondent authorities to them. Learned counsel submits that the Hon'ble High Court of Bombay, Bench at Aurangabad in W.P. No. 1954/2018 and Ors. has considered this issue and further directed to consider the case of additional increment, for which employees are entitled on account of their excellent work. Learned counsel submits that there is recurring cause of action, as long as those advance increments were not paid to the applicants. Learned counsel submits that in any case, there is no intentional delay as such and there is no inaction on part of the applicants. The delay deserves to be condoned.

5. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay caused in filing the accompanying Original Application, for which no

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M.A. No. 217/2021 in
O.A. St. No. 598/2021

satisfactory explanation has been tendered by the applicants. There is no substance in the present M.A. seeking condonation of delay and the same is liable to be dismissed.

6. Both the applicants are retired employees. Even though the advance increments were granted to the applicants and entries to that effect were taken in the service book, those advance increments were not paid to them. It further appears that the said advance increments were granted to the applicants on account of their excellent work during the service period. It also appears from the order passed in bunch of the W.Ps. on 16.07.2019 by the Hon'ble High Court of Bombay, Bench at Aurangabad in W.P. No. 8460/2019 and other connected matters that the respondents are directed not to withdraw the increments granted to the employees for their excellent work in the year 2007, 2008 & 2009. Thus considering the entire aspect of the case, I hold that there is no inaction on part of the applicants. There is no intentional or deliberate delay as such. In view of the same, I am inclined to condone the delay caused in filing the accompanying

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M.A. No. 217/2021 in
O.A. St. No. 598/2021

O.A. However, the applicants are required to be saddled with certain costs. Hence, the following order :-

ORDER

(i) The Misc. Application No. 217/2021 is hereby allowed.

(ii) The delay of 05 years and 05 months (1975 days) caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) to each of the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

(iv) The M.A. accordingly disposed of.

MEMBER (J)

O.A. St. No. 598/2021

(Vitthal S. Lokhande & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 08.04.2024.

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

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

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

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

7. S.O. to 08.04.2024.

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

MEMBER (J)

M.A. No. 430/2023 in O.A. St. No. 1628/2023
(Vilas Dhondiba Bhingde Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri G.J. Kore, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. By this Misc. Application, the applicant is seeking condonation of delay of 04 years and 02 caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant has approached this Tribunal seeking direction against respondent No. 4 to count the period from 06.03.2017 to 29.06.2018 (477 days) as continues regular service and to pay salary of the said period with interest. Learned counsel submits that due to some incident at his native place, the applicant sustained certain injuries and as a result thereof, he became hospitalized in the year 2017. On 06.03.2017, the applicant has submitted an application for medical leave for the period of one month i.e. till 21.04.2017. Learned counsel has

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M.A. 430/2023 in
O.A. St. 1628/2023

pointed out from the annexures that though the applicant has expressed his desire to join in writing since 21.04.2017 and onwards continuously by filing representation after representations, finally he was allowed to join on 27.06.2018. Learned counsel submits that the applicant was not at any fault and finally the respondent authorities have passed an order on 01/02.02.2023 denying thereby the claim of the applicant. Learned counsel submits that there is no delay as such, and from the date of said order i.e. 01/02.02.2023, the Original Application is within limitation. Learned counsel submits that even though from the date of the cause of action arose for the first time the delay is considered, then there is no inaction on part the applicant and there is no intentional or deliberate delay as such. The application seeking condonation of delay of 04 years and 02 months caused in filing the accompanying Original Application deserves to be allowed.

4. Learned Presenting Officer submits that the applicant is at present retired on 31.08.2023. There is an inordinate delay caused in filing the

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M.A. 430/2023 in
O.A. St. 1628/2023

accompanying Original Application, for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that the application seeking condonation of delay thus liable to be dismissed.

5. By filing the Original Application the applicant is seeking relief to the extent of period of his absence of 477 days to be treated as duty period and to pay the allowances for the said period. It prima-facie further appears that for the first time on 01/02.02.2023 (Annexure-F of O.A.) the respondent authorities have denied the request made by the applicant. Even though the applicant has submitted his application on 21.04.2017 for resuming duties, however he was not allowed to join and even thereafter the applicant has submitted several representations and finally in the year 2018, he was permitted to join. So far as the said period of absence is concerned, the applicant has filed representation to the respondent authorities to treat the said period as duty period, since the applicant has submitted application for medical leave and no order was passed on it and also other various

//4//

M.A. 430/2023 in
O.A. St. 1628/2023

grounds, but finally by order dated 01/02.02.2023, the department has turned down his request. Thus considering the entire aspect of the case, the delay is not deliberate or intentional and there is no inaction on part of the applicant. I am thus inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

(i) The Misc. Application No. 430/2023 is hereby allowed.

(ii) The delay of 04 years and 02 months caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) to be paid by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

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M.A. 430/2023 in
O.A. St. 1628/2023

(iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

(iv) The M.A. accordingly disposed of.

MEMBER (J)

KPB ORAL ORDER 20.02.2024

O.A. St. No. 1628/2023

(Vilas Dhondiba Bhingde Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri G.J. Kore, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 10.04.2024.

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

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

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

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

7. S.O. to 10.04.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1100/2023
(Dr. Sanjay M. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri Sanjeev B. Deshpande, learned Special counsel for respondent authorities and Shri Avinash Deshmukh along with Shri Shamsunder B. Patil, learned counsel for respondent No. 4.

2. Learned counsel for the applicant submits rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 1 to 4. Same is taken on record and copy thereof is given to other side.

3. The present matter is reserved for orders.

MEMBER (J)

**ORIGINAL APPLICATION NO. 87 OF 2024
(Jitendra S. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 20.02.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel holding for Shri A.K. Tiwari, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof is given to other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

4. S.O. to 12.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO.886/2023
(Rani D. Sathe Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Heard Shri M.S.Bhosale, learned counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri N.L.Jadhav, learned Counsel for respondent no.4, are present.

2. Learned Counsel for the applicant has tendered across the bar the order dated 18-01-2024 issued in favour of the present applicant. Learned Counsel submits that applicant has raised objection in respect of appointment of another candidate, which has been upheld by the appointing authority and appointment order has been cancelled and in her place the applicant has been appointed. Thus, the grievance raised by the applicant has been fully redressed. Hence, the following order:

ORDER

Present application is disposed of in view of order dated 18-01-2024. There shall be no order to costs.

MEMBER (A)

YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.84/2022
(Bapu Vetal Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Smt. Megha Mali, learned Counsel holding for Shri A.P.Avhad, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant submits rejoinder affidavit. Same is taken on record. Copy thereof is given to the learned P.O.
3. List the matter for further consideration on 05-04-2024.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

M.A.NO.89/2023 IN O.A.ST.NO.3037/2022
(Annasaheb R. Andhale Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024
ORAL ORDER :

Smt. Megha Mali, learned Counsel holding for Shri A.P.Avhad, learned counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks one more opportunity to file affidavit in reply to the delay condonation application. Granted.
3. S.O. to 27-03-2024.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.825/2023
(Sonia D. Bagde Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024
ORAL ORDER :

Shri Pankaj Bharat, learned Counsel holding for Shri Dhananjay Mane, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Applicant is not intending to file any rejoinder. Hence, list the matter for hearing on 01-04-2024.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.655/2022
(Madhav C. Padvi Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024
ORAL ORDER :

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

2. Learned Counsel for the applicant submits that documents which have been subsequently filed on record by the respondents are already there on record and no more submissions are to be made in that regard by the applicant. Learned P.O. also submits that except placing on record the said documents nothing is to be submitted.

3. Arguments are already concluded. Hence, the case is reserved for order.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1021/2022
(Madhav K. Khaarge Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024
ORAL ORDER :

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

2. On request of learned Counsel for the applicant, S.O. to 15-03-2024.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.1910/2022
(Shamrao A. Gite Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri C.V.Dharurkar, learned counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 15-03-2024.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

C.P.NO.47/2023 IN O.A.NO.582/2017
(Sanjay B. Kokate Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Shri A.S.Shelke, learned counsel for the applicant is **absent**.

Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. When the present matter is taken up for consideration, learned P.O. has tendered communication received to the office of CPO dated 16-02-2024 along with some documents. Learned P.O. submits that the order, contempt of which is alleged in the present contempt petition has been complied with.

3. Today, learned Counsel for the applicant is not present. Copy of the said documents be supplied to the learned Counsel for the applicant. Learned Counsel may seek instructions from the applicant and make statement on the next date.

4. S.O. to 05-03-2024.

MEMBER (A)

YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.475/2020
(Nandkumar T. Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024
ORAL ORDER :

Heard Shri M.V.Bhamre, learned counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

Shri S.G.Sharma, learned Counsel for respondent nos.4, 8, 10 to 16, 19 & 20 is **absent**.

2. Learned Counsel for the applicant on instructions submits that the applicant in the present matter has suffered accidental death. In the circumstances, the matter is sought to be withdrawn. Hence, the following order:

ORDER

O.A. stands disposed of since withdrawn without any order as to costs.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

M.A.NO.87/2023 IN O.A.NO.259/2021
(Megharani P. Tarkase & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024
ORAL ORDER :

Shri C.V.Dharurkar, learned counsel for the applicants, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.S.Deshmukh, learned Counsel for respondent nos.4 & 5, are present.

2. Learned Counsel for respondent nos.4 & 5 submits that though affidavits in reply are kept ready, said respondents could not reach Aurangabad due to some personal difficulty. Therefore, he has prayed for time. Granted.

3. S.O. to 26-02-2024.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.127/2024
(Tukaram T. Phaphagire Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Heard Shri Baliram B. Shinde, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 02-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 02-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.146/2024
(Sampatrao R. Rathod Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Heard Smt. Megha Mali, learned Counsel holding for Shri S.K.Mathpati, learned counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 04-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 04-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.172/2024
(Akshay D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri P.K.Koshti, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Remove from board.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.180/2024
(Goraksha B. Palve Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 05-03-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 05-03-2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.ST.NO.297/2024 IN O.A.ST.NO.259/2024
(Sharad D. Khatke Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

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

2. The office has raised objection as about the jurisdiction for filing the present O.A. before this Tribunal. It appears that the chargesheets which are being sought to be quashed in the present O.As. have been served on the applicant at different places, some of which are not within the jurisdiction of this Tribunal. Learned Counsel for the applicant submits that presently the applicants are posted within the jurisdiction of this Tribunal, therefore, this Tribunal has jurisdiction to try and entertain the O.A.

3. Learned C.P.O. has sought time of 3 weeks. Learned Counsel for the applicant insists that since the matter is mainly based on the legal issues, the reply can be filed within 2 weeks also. It is clarified that the reply shall be filed by the respondents in any case within 3 weeks and on the same day, the matter will be heard on merits.

4. **In the meantime, subject to office objections,** issue notice to the respondents in the matter, returnable on 12-03-2024.
5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
6. 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.
7. 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.
8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
9. S.O. to 12-03-2024.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.145/2023 IN O.A.NO.268/2022
(Chandrashekhar K. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024
ORAL ORDER :

Shri Kalyan Patil, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned CPO submits that written notes of arguments will be filed on behalf of the respondents on or before 23-02-2024.
3. S.O. to 23-02-2024.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

M.A.NO.239/2023 **IN** **M.A.NO.359/2022** **IN**
O.A.NO.729/2022
(Dnyaneshwar B. Jadhav & Ors Vs. State of Maharashtra & Ors.)
WITH
M.A.NO.257/2023 **IN** **M.A.NO.563/2022** **IN**
O.A.NO.730/2022
(Dnyaneshwar B. Jadhav & Ors Vs. State of Maharashtra & Ors.)

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

DATE : 20.02.2024

ORAL ORDER :

Shri V.B.Wagh, learned counsel for the applicants in M.A.239/23 & O.A.729/22, Shri V.G.Pingle, learned counsel for the applicants in M.A.257/23 & O.A.730/22, Shri M.P.Gude, learned Presenting Officer for the respondent authorities in all the cases, Shri A.B.Chalak, learned Counsel for applicants in M.A.359/22 and Shri R.A.Joshi, learned Counsel for applicants in M.A.563/22, are present.

2. S.O. to 11-03-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 20.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 663/2023
(Nitinchandra K. Mandale Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Shri Hemant Surve, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 07.03.2024 for hearing. The matter be treated as **part heard**.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 20.02.2024

ORIGINAL APPLICATION NO. 487/2016
(Mohammed Badar Akbar Siddiqui Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

Smt. A.N. Ansari, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks leave to correct the date on page no. 03 of paper book. It is contended that in the 4th line from top of said page wrongly date has been mentioned as '5.3.2007' and it must be as '5.6.2007'. Leave as prayed for is granted. Amendment be carried out forthwith.

3. Arguments of the learned counsel appearing for the applicant were already heard. Today, the matter was kept for arguments by the learned Presenting Officer. Learned P.O. in the morning session has submitted that she has called for the record from the concerned office. In the afternoon the learned P.O. reported that though the record is received, from the contents thereof it is not containing the evidence recorded by the witnesses in the matter. On the available material the learned P.O. argued the matter.

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O.A. NO. 487/2016

4. The matter is now reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 20.02.2024

ORIGINAL APPLICATION NO. 128/2024

(Shri Swanand Venkatesh Mamilwad & Anr. Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 20.02.2024

ORAL ORDER :

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

2. It is the grievance of the applicants in the present Original Application that though they have been duly selected and recommended for the post of Planning Assistant (Group-B, Non Gazetted), they have not yet been issued with the orders of appointment only on the ground that they do not possess the tribe validity certificates. By placing on record the communication dated 16.02.2024 the respondents have confirmed that the applicants have not been given the orders of appointment as they have not produced the tribe validity certificates at the time of documents verification. In the aforesaid communication dated 16.02.2024 the respondents seem to have relied upon the Government Circular dated 26.03.2010 issued by the Social Welfare Department of the State and more particularly para 02 thereof, which reads thus:-

“२. जाती प्रमाणपत्र पडताळणी समितीने आवश्यक ती कागदपत्रे प्राप्त झाल्यानंतर ३ महिन्यांच्या आत जाती दाव्याचा समितीचा निर्णय संबंधित आस्थापनेस कळवावा. संबंधित उमेदवाराच्या जातीचा दावा वैध असल्याबाबतचा समितीचा निर्णय प्राप्त झाल्यानंतर संबंधित आस्थापनेने उमेदवारास नियुक्ती द्यावी.”

3. Circular dated 26.03.2010 is also placed on record by the learned Presenting Officer. Perusal of the said Circular reveals that the condition as aforesaid is included in the said Circular on the basis of the G.R. issued by the General Administration Department on 05.11.2009. In the preamble of the Government Circular dated 26.03.2010 it is averred that in para no. 07 of the G.R. dated 05.11.2009 it has been directed that no orders of appointment or promotion shall be issued in favour of the candidates belonging to reserved class unless the caste/tribe validity certificate is possessed by the candidate concerned.

4. The learned counsel for the applicant has brought to our notice that vide G.R. dated 12.12.2011 the orders as aforesaid containing in the Circular dated 05.11.2009 have been cancelled. The aforesaid G.R. is placed on record. The very first paragraph of the said G.R. evidences that the orders as given in para no. 07 of the Circular dated 05.11.2009 are withdrawn. In the G.R. dated 12.12.2011 it is mentioned in its preamble that the orders as were containing in the Circular dated

05.11.2009 have been cancelled in view of the order passed by the Division Bench of the Hon'ble Bombay High Court, Bench at Aurangabad in **Writ Petition No. 2136/2010, Shrikant Chandrakant Saindane & Ors. vs. State of Maharashtra & Ors.**, decided on 25.08.2011. Copy of the said judgment is also placed on record by the applicants. We have perused the said judgment.

5. After having gone through the aforesaid judgment of the Hon'ble High Court, as well as, the G.R. dated 12.12.2011 issued by the General Administration Department of the State, there has remained no doubt that the candidates belonging to the reserved class, may be belonging to the S.C. or S.T. or any other reserved class, if are selected for their appointment by the State, they are not expected to mandatorily produce on record or shall be possessing the caste/tribe validity certificates of the caste or tribe to which they belong. As clarified in the judgment of the Hon'ble Bombay High Court in the case of **Shrikant Chandrakant Saindane & Ors. vs. State of Maharashtra & Ors.** (cited supra) and accordingly as provided in the G.R. dated 12.12.2011, the candidates belonging to reserved class if are selected for to be appointed for the post reserved for their caste/tribe, are to be provisionally appointed, subject to produce the

caste/tribe validity certificate as the case may be. As is revealing from the broacher, which was annexed to the advertisement and on the basis of which the recruitment process is being carried out, the candidates belonging to reserved class, who are selected against the reserved seats, have to produce on record the caste validity certificates within the period of 06 months from the date of their provisional appointment and only thereafter their appointment will be confirmed and on failure to produce such certificate their appointment shall be liable to be cancelled.

6. Considering the facts as aforesaid, it is quite evident that the respondents have manifestly erred in not issuing appointment orders in favour of the applicants on the ground that they did not produce the caste/tribe validity certificate at the time of documents verification. It is not in dispute that the applicants have been duly selected and have also been recommended for their appointment against the seats reserved for their respective caste/tribe.

7. For the reasons elaborated above, the present Original Application deserves to be allowed. Hence, the following order:-

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O.A. NO. 128/2024

ORDER

(i) The respondents shall issue the provisional orders of appointment in favour of both the applicants within 02 weeks from the date of this order, subject to production of caste/tribe validity certificate by the applicants within 06 months from the date of their appointment.

(ii) The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

MEMBER (A)

ARJ ORAL ORDER 20.02.2024

VICE CHAIRMAN