

ORIGINAL APPLICATION NO. 282 OF 2021
(Seema S. Jaybhaye Vs. State of Maharashtra & Ors.)

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

DATE : 21.06.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer or the Respondents.

2. The applicant applied for the post of Staff Nurse pursuant to the advertisement published on 22.02.2019 by the respondent No. 4. She applied through 50% Government College quota and also falling under Physically Handicapped Category.

3. The applicant was selected from the said quota, but during the verification of documents, it was found that the disability of low vision contended by the applicant is not covered and therefore, by the impugned letter dated 04.06.2021, Annexure A-6 at paper book page No. 48, she was informed that appointment cannot be given to her and they intend to call for next eligible candidate of the disability category from merit list.

4. It is contention of the applicant that claim of the applicant is rejected by taking recourse of the repealed Act namely the provision of Persons with Disability Act (Equal

Opportunities, Protection of Rights and Full Participation) Act, 1995.

5. Learned C.P.O. for the respondents submits that he has to seek instructions from the respondents as to why the repealed Act has been referred, to deny appointment of the applicant.

6. Considering the facts and circumstances as discussed above and purport of impugned letter dated 04.06.2021, in our opinion, it is just and proper to grant ad-interim relief in terms of prayer clause 10 (E) till filing of the affidavit in reply by the respondents in order to avoid multiplicity of proceedings. Order accordingly.

7. Issue notices to the respondents, returnable on 05.07.2021.

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

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

//3//

O.A. No. 282/2021

10. 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.

11. 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.

12. S.O. to 05.07.2021.

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

MEMBER (A)

MEMBER (J)

C.P. St. No. 1961/2017 in O.A. No. 57/2016
(Ravindra D. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 21.06.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer or the Respondents.

2. Record shows that affidavit in reply is filed by the respondent No. 1.

3. Learned Advocate for the applicant submits that he could not contact the applicant since one and half year. He further submits that he would like to contact the applicant and would like to seek instructions from him. Therefore, he seeks time. Time granted.

4. At the request of learned Advocate for the applicant, S.O. to 12.07.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 34/2019 in O.A. No. 925/2017
(Mahadeo B. Khandare Vs. State of Maharashtra & Ors.)

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

DATE : 21.06.2021

ORAL ORDER :

Heard Smt. Amruta Paranjape-Menezes, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer or the Respondent Nos. 1 and 2 and Shri A.R. Lukhe, learned Advocate holding for Shri Deepak Rajput, learned Advocate for respondent No. 4. Shri Ashish Shinde, learned Advocate for respondent No. 3 (**Absent**).

2. Record shows that affidavit in reply is filed by the respondent No. 1 and respondent No. 3.

3. Learned P.O. for the respondent Nos. 1 and 2 submits that the order in question has been complied with.

4. Learned Advocate for respondent No. 4 seeks adjournment.

5. In the facts and circumstances, the present matter be kept for hearing at the stage of admission on 14.07.2021.

MEMBER (A)

KPB ORAL ORDERS 21.06.2021

MEMBER (J)

C.P. No. 26/2020 in O.A. No. 772/2018
(Anil S. Barkul Vs. State of Maharashtra & Ors.)

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

DATE : 21.06.2021

ORAL ORDER :

Heard Shri K.D. Khade, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer or the Respondent Nos. 1, 2 & 4.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of respondent Nos. 1, 2 & 4. Time granted.

3. Record shows that notice is not yet served on the respondent No. 3.

4. Hence, issue fresh notice to the respondent No. 3 in C.P., returnable on 22.07.2021.

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

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

//2// C.P. 26/2020 in
O.A. 772/2018

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. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 22.07.2021.

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

MEMBER (A)

KPB ORAL ORDERS 21.06.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 260 OF 2021
(Ramrao K. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 21.06.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer or the Respondents.

2. Record shows that as per the order dated 15.06.2021, the applicant has carried out amendment in the O.A., as it is alleged that during pendency of the present O.A., the ad-hoc promotion has been given illegally.

3. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondents.

4. In the facts and circumstances as above, it is desirable to grant time for filing affidavit in reply.

5. S.O. to 14.07.2021.

MEMBER (A)

KPB ORAL ORDERS 21.06.2021

MEMBER (J)

M.A. No. 149/2019 in O.A. St. No. 413/2019
(Bharat Z. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 21.06.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer or the Respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of respondents. Time granted as a last chance.
3. S.O. to 15.07.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 159/2021 in O.A. No. 115/2018
(Nagnath G. Savant & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 21.06.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer or the Respondent Nos. 1 & 2.

2. Record shows that copy of the present Misc. Application is served by the learned Advocate for the applicant to the respondent No. 3 to keep it for circulation on 17.06.2021.

3. Learned Advocate for the applicant submits that the respondent No. 3 has personally told him that he will not be available on 21st and 22nd of June, 2021.

4. Perusal of the O.A. 115/2018, would show that the affidavit in reply is filed by the respondent Nos. 1, 2 & 3 separately and as the pleadings are complete, the O.A. was admitted and it was fixed for hearing in due course of time. Thereafter, the present M.A. is made for Interim Relief.

5. In the circumstances, we would like to have reply on behalf of the respondents. Hence, short time as requested by the learned P.O. for the Res. Nos. 1 and 2 is granted.

6. S.O. to 05.07.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.489/2019 IN O.A.ST.NO.1981/2019
(Mirza Saleem Baig Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. Arguments of both sides are heard at length. Case is reserved for order.

MEMBER (J)

M.A.NO.490/2019 IN O.A.ST.NO.1979/2019
(Laxman Talekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Arguments of both sides are heard at length. Case is reserved for order.

MEMBER (J)

YUK ORAL ORDERS 21.06.2021

M.A.NO.505/2019 IN O.A.ST.NO.2039/2019
(Eteshamuddin Yusufoddin Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that yesterday he has learnt that the applicant has expired somewhere in August-2020. The applicant and his wife died due to Covid-19 and the learned Advocate came to know about the same from the son of the deceased applicant.

3. On his request, **S.O. to 20-07-2021** for taking necessary steps in the matter.

MEMBER (J)

M.A.NO.506/2019 IN O.A.ST.NO.2041/2019
(Mirza Jamil Baigh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. Arguments of both sides are heard at length. Case is reserved for order.

MEMBER (J)

M.A.NO.511/2019 IN O.A.ST.NO.2058/2019
(Taj Mohammad Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Arguments of both sides are heard at length. Case is reserved for order.

MEMBER (J)

YUK ORAL ORDERS 21.06.2021

M.A.NO.122/2021 IN O.A.ST.NO.503/2021
(Ranjana wd/o. B. Solat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Dr. Swapnil Tawshikar, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. At the request of learned P.O., S.O. to 20-07-2021 for filing affidavit in reply on behalf of the respondents.

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 346 OF 2021
(Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Record shows that there is office objection on the point of limitation in respect of prayer clause 'B'. The applicant is seeking all benefits regarding deemed date of promotion as a Deputy Superintendent of Police from 23.05.2013 with 8% interest. In limitation clause no pleadings are raised as to how the claim is within limitation.

3. In view of the above, the applicant to take necessary steps to deal with the objection of limitation by the next date.

4. S.O. to 12.07.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 356 OF 2020
(Kiran Baban Kolpe Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Shri N.B. Narwade, learned Advocate for the applicant (**absent**). Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, present.

2. Record shows that the present case has been kept today for filing rejoinder affidavit by the applicant and also for hearing at the stage of admission. However, no rejoinder affidavit is filed by the applicant in the present case and nobody appeared for the applicant today.

3. In view of the above, S.O. to 22.07.2021.

MEMBER (J)

ORAL ORDERS 21.06.2021-HDD

**ORIGINAL APPLICATION NO. 357 OF 2020
(Vinod R. Borge Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Shri N.B. Narwade, learned Advocate for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. Record shows that the present case has been kept today for filing rejoinder affidavit by the applicant and also for hearing at the stage of admission. However, no rejoinder affidavit is filed by the applicant in the present case and nobody appeared for the applicant today.

3. In view of the above, S.O. to 22.07.2021.

MEMBER (J)

ORAL ORDERS 21.06.2021-HDD

**ORIGINAL APPLICATION NO. 181 OF 2021
(Ravindra B. Kanade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent No.1.

Shri A.S. Khedkar, learned Advocate holding for Shri A.D. Aghav, learned Advocate for the applicant appeared today and submits that Learned Advocate Shri A.D. Aghav is appearing on behalf of respondent No. 2. He has filed **VAKALATNAMA** on his behalf and the same is taken on record. None appeared for respondent No. 3 though duly served.

2. At the request of learned Presenting Officer for respondent No. 1 and learned Advocate for respondent No. 2, S.O. to 14.07.2021 for filing affidavit in reply.

MEMBER (J)

**ORIGINAL APPLICATION NO. 189 OF 2021
(Sakharam C. Kashid Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri A.S. Khedkar, learned Advocate for the applicant Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1 and Shri Shamsundar Patil, learned Advocate for respondent Nos. 2 to 4.

2. At the request of learned Presenting Officer for respondent No. 1 and learned Advocate for respondent Nos. 2 to 4, S.O. to 15.07.2021 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 21.06.2021-HDD

**ORIGINAL APPLICATION NO. 214 OF 2021
(Ramnath N. Raut Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 21.06.2021

ORAL ORDER :

Heard Shri A.S. Khedkar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent No. 1 and Shri Shamsundar Patil, learned Advocate for respondent Nos. 2 & 3.

2. At the request of learned Presenting Officer for respondent No. 1 and learned Advocate for respondent Nos. 2 & 3, S.O. to 15.07.2021 for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 21.06.2021-HDD

Date : 21.06.2021
ORIGINAL APPLICATIN NO. 284/2021
(Jitendra S. Sonawane V/s State of Maha. & Ors.)

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

1. Shri K. G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 15.07.2021. The case be listed for admission hearing on **15.07.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

