

M.A.NO.363/2021 IN O.A.ST.NO.1149/2021
(Ramling M. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri K.M.Nagarkar, learned counsel for the applicant, Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities and Shri Ajinkya Reddy, learned Counsel for respondent nos.3 and 4.

2. Applicant has filed the present O.A. claiming benefit of the accelerated career progression scheme. Applicant has admittedly retired on attaining the age of superannuation in the year 2007 and approached this Tribunal in the year 2021 i.e. after about 14 years.

3. Applicant in the O.A. has come out with the prayer that the respondents be directed to decide the representations submitted by him on 05-01-2017, 05-12-2018, 06-10-2018, 04-12-2018, 05-12-2018, 15-12-2018, 26-12-2018, 15-01-2019, 23-01-2019 and lastly on 30-09-2020. It is the contention of learned Counsel appearing for the applicant that in fact when the last representation was submitted

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on 30-09-2020 and respondents failed to consider such representation, the application filed by the applicant is well within the period of limitation, however, since the objection was raised by the Registry of the Tribunal, the applicant has filed the present M.A. seeking condonation of delay occasioned for filing the accompanying O.A.

4. Learned Counsel further submits that applicant was agitating his cause before the learned Labour Commissioner for his right and the learned Labour Commissioner has ultimately rejected his application on 18-03-2021. Immediately thereafter the applicant has approached this Tribunal. As such according to him application filed by the applicant is well within the period of prescribed limitation.

5. The contention as has been raised by the applicant is difficult to be accepted. In catena of judgments Hon'ble Supreme Court has observed that, mere making representations one after another will not extend or save the period of limitation. Provisions under section 19 and 20 of the Administrative Tribunals Act are explicit and limitation is stipulated therein for filing O.A. before

=3= M.A.363/2021 IN O.A.ST.1149/2021 the Tribunal. It further cannot be lost sight of that after retiring in 2007 first of such representation has been made by the applicant in 2017. Applicant has not explained the said huge delay of 10 years. Moreover, even thereafter applicant did not approach the Tribunal within the stipulated period. It is well settled that mere sending representations one after another will not save the period of limitation. Hence, such a hopelessly time barred and stale claim cannot be entertained.

6. In the circumstances, we do not see any reason for condoning the huge delay which has occurred in filing the present O.A. Therefore, M.A. for condoning the delay occasioned in filing the accompanying O.A. deserves to be rejected. In the circumstances, following order is passed:

ORDER

[i] M.A. No. 363/2021 stands rejected. Consequently, O.A. also stands dismissed.

[ii] There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 962 OF 2022
(Raju Uttam Hanuvate & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Ms. Puja Mundhe, learned counsel holding for Shri Pavan P. Uttarwar, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Today, learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 02 and 03. It is taken on record and copy thereof has been given to other side.

3. On perusal of affidavit in reply filed by respondent nos. 02 and 03 the learned counsel appearing for the applicants invited our attention to the averments taken in paragraph no. 06 of the said reply. It reads thus:-

“6. The respondents state and submit that, as the applicants were appointed in pursuance with recruitment process in 2009 and looking at the availability post of “Peon” by and considering age and of applicants the

respondents assure and are ready to promote the applicants on the post of "Peon" and promote them."

4. Though the aforesaid paragraph is not happily worded, two things explicitly reveal from the said averments that the applicants are held entitled to be promoted to the post of Peon and the respondents have assured and have shown their readiness to promote the applicants on the post of Peon. Learned Presenting Officer also has confirmed the aforesaid fact.

5. In the circumstances, the request made by the learned counsel for the applicants to dispose of the present Original Application in terms of the aforesaid averments deserves to be considered. Since the respondents have admitted the claim of the applicants and have undertaken to promote them to the post of Peon, we also see no reason in keeping the present Original Application pending. Hence, we pass the following order:-

ORDER

- (i) The Original Application stands disposed of in terms of the averments taken by the respondents in paragraph no. 06 of their affidavit in reply.
- (ii) We hope and trust that the respondents will fulfill the assurance given by them in the affidavit in reply filed by them.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1037 OF 2022
(Vijaysing Karansing Wagh Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. When the present matter is taken up for consideration, learned counsel Shri Hajare submits that the applicant has taken away the papers from him and as such he prayed for discharging his appearance for the said applicant. Order accordingly.

3. In the interest of justice, the matter stands adjourned to 29.08.2024. If the applicant does not proceed with the matter or make some alternate arrangement, necessary orders will be passed. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

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

WITH

ORIGINAL APPLICATION NO. 186 OF 2024
(Shamrao A. Gite Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned counsel for the applicants in both the matters and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in both the matters.

2. Due to paucity of time it is not possible to hear these Original Applications today. It is informed that tomorrow departmental enquiry proceedings are scheduled for recording the statements of the applicants in the present matters. **We see no difficulty if the statements of the applicants are recorded, however, the respondents shall not proceed further till next date.**

3. S.O. to 18.09.2024.

4. Steno copy allowed for the use of learned counsel for the applicant.

MEMBER (A)

VICE CHAIRMAN

O.A. ST. NO. 96/2024 WITH M.A. NO. 57/2024
(Dr. Prashant Bharat Sable Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Ms. Preeti Wankhade, learned counsel for respondent no. 03.

2. The learned counsel for the applicant submits that the grievance of the applicant is redressed. He has, therefore, prayed for disposing of the O.A., as well as, the M.A. The written pursis under the signature of the applicant, as well as, appointment order is placed on record. Hence, we pass the following order:-

ORDER

(i) The Original Application and Misc. Application stand disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 71/2023 IN O.A. NO. 370/2019

(Smt. Yasmin Hashmi Vasim Hashmi Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer tendered copy of Writ Petition allegedly filed before the Hon'ble Bombay High Court, Bench at Aurangabad. It is taken on record. The respondents shall place further particulars as about number of said Writ Petition. Learned counsel for the applicant submits that Writ Petition has not yet been filed before the Hon'ble High Court.

3. Keep the matter for further consideration on 29.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1038 OF 2022
(Prakash Sumanlal Jain Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri A.D. Sonar, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

Shri M.S. Bansode, learned counsel for respondent nos. 05 and 06 (**absent**). Shri J.B. Choudhary, learned counsel for respondent nos. 07 and 08 (**leave note**).

2. Despite last chance granted the affidavit in reply has not filed by the respondent nos. 01,02 and 04.

3. List the matter for hearing on 08.10.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 898/2024 WITH
CAVEAT 45/2024**

(Smt. Trupti Umesh Sandbhor Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Ajay S. Deshpande, learned counsel holding for Shri K.G. Salunke, learned counsel for respondent no. 03 on the caveat.

2. The grievance of the applicant is that she has been abruptly transferred from the post of Commissioner, Municipal Corporation, Parbhani in contravention of the provisions of the Maharashtra Municipal Corporations Act, 1949 and more particularly the provisions under section 36 thereof. It is the contention of the applicant that she is being shifted with the only object to accommodate respondent no. 03 in her place. It has also been contended that respondent No. 3 has hurriedly and in hasty manner taken the charge of the post of

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WITH CAVEAT 45/2024

Commissioner, Municipal Corporation, Parbhani though he has not been relieved from the place wherefrom he has been transferred. It is the further contention of the applicant that while applicant is in the cadre of Joint Commissioners respondent No. 3 is not even in the cadre of Deputy Commissioners and, as such, could not have been appointed in place of the applicant. Referring to the provisions under Section 36 of Maharashtra Municipal Corporations Act, 1949, it has been argued that unless the circumstances as are stated under the said provision exist, no midterm or mid-tenure transfer can be made of the person working as Commissioner of Municipal Corporation. In the circumstances, the applicant has prayed for interim relief while issuing notices to the respondents thereby staying the effect and operation of the order dated 16.08.2024 issued by respondent No. 1.

3. During the course of the argument learned counsel submitted that in view of the fact which has come on record that respondent No. 3 has already taken over the charge, though impugned order is

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WITH CAVEAT 45/2024

sought to be stayed by the applicant by way of interim relief, applicant may not press the said relief. The learned counsel further submitted that considering the other circumstances on record the Tribunal can certainly restrain respondent No. 3 from taking any policy decision until the controversy raised in the present Original Application is finally resolved by the Tribunal.

4. Learned Chief Presenting Officer has strongly opposed for granting any such interim relief. Yesterday when the present matter was heard for some time learned C.P.O. had tendered certain documents in the matter which contain communication dated 20.08.2024 received to the office of C.P.O. from the Government. Along with the said communication copy of letter written by Shri Shivaji Adhalrao Patil, Ex-Member of Parliament is annexed, wherein Hon'ble Member has requested the Hon'ble Chief Minister to consider the request of the applicant for her deputation on the post of Chief Officer of Maharashtra Housing & Area Development Authority at Mumbai (for short MHADA). Another

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document annexed with the communication is letter written by the Desk Officer to Urban Development Department in connection with the request made by the applicant requiring some information to be placed on record. Last document shows that such information has been furnished on 14.08.2024.

5. During the course of argument today, the learned counsel for the applicant has tendered across the bar the copy of the letter written by Professor Dr. Manisha Kayande, Member of Maharashtra State Legislative Council to the Hon'ble Chief Minister recommending appointment of respondent no. 03 on the post of the Commissioner, Municipal Corporation, Parbhani. Learned C.P.O. referring to the aforesaid document submitted that on request of the applicant the process has been started for her appointment on deputation to the post, which she had asked for. Learned C.P.O. submitted that the said matter is under process and the decision is likely to be taken. The learned C.P.O. submitted that after making request by the applicant for her deputation on the post of Chief Officer of

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MHADA at Mumbai, it is not open for the applicant to make any grievance about the appointment made of respondent no. 03 on her post. He further submitted that many times it does not become possible to simultaneously issue the order of appointment to both the officers. The learned C.P.O. submitted that no case is made out by the applicant for grant of interim relief as has been sought by her.

6. Shri Ajay Deshpande, learned counsel holding for Shri K.G. Salunke, learned counsel for respondent no. 03 adopted the contentions raised by the learned C.P.O. and also prayed for rejecting the request of the applicant for interim relief.

7. We have duly considered the submissions made by the learned counsel for the parties and the learned C.P.O. appearing for State authorities. We have also gone through the provision under section 36 of the Maharashtra Municipal Corporations Act, 1949, which has been emphasized by the learned counsel for the applicant. No doubt, there is a provision, which mandates certain procedure to be

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followed. In the present matter it does not *prima facie* appear to us that the alleged appointment of respondent no. 03 on the post of the Commissioner, Parbhani Municipal Corporation which has consequence of shifting the applicant from the said post does have much relevance with the said provision in view of the fact that the applicant herself appears to be interested in getting appointment at Mumbai as Chief Officer of MHADA on deputation meaning thereby that she is not having any objection for her shifting if her said request is considered.

8. It has to be further stated that the fact that such request has been made by her to the Hon'ble Ex. Member of Parliament has not been disclosed by the applicant in her Original Application. At this juncture, we may record that respondent no. 03 also has not disclosed in his argument that he had requested for his appointment on the post of the commissioner of Parbhani Municipal Corporation. Learned counsel for the applicant sought to contend that there was no request in writing from the

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applicant for her deputation on the post of Chief Officer of MHADA, Mumbai though she had orally requested the Hon'ble Ex. Member of Parliament. We however find no substance in the argument of the learned counsel for the applicant. When Member of Parliament has requested the Hon'ble Chief Minister by writing a letter by giving reference of the request of the applicant, it is not open for the applicant to say that there was no request in writing from her.

9. Considering the facts as aforesaid and more particularly the documents placed on record, which reflect that the request of the applicant is under consideration, we do not see that the applicant is entitled for interim relief as prayed by her. We therefore reject the said request of the applicant.

10. During the course of argument learned counsel submitted that undue haste is being made for getting the quarter in possession of the applicant at Parbhani vacated. Learned counsel submitted that without giving appointment to the applicant as Chief

Officer, MHADA she is being insisted for vacating the quarter. If this be so, even if there is no such request in the O.A., on oral request made, we direct the respondents to allow the applicant to retain the said quarter in accordance with the rules existing in that regard. Hence, the following order: -

ORDER

(i) Issue notice to the respondents, returnable on 20.09.2024.

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

(iii) 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.

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

(v) The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

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WITH CAVEAT 45/2024

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

(vi) S.O. to 20.09.2024.

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

(viii) Respondents shall allow the applicant to retain the quarter in her possession at Parbhani in accordance with the rules existing in that regard.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 371/2024 IN O.A. NO. 887/2024
(Vishal Ashok Mundhe & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri S.S. Thombre, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 887/2024
(Vishal Ashok Mundhe & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri S.S. Thombre, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The applicants had applied for the post of Police Bandsman pursuant to the advertisement issued by respondent no. 04 on 29.02.2024. Vide the said advertisement total 212 posts were advertised out of which 08 were for Police Bandsman. It is the grievance of the applicants that though separate provisional list of the candidates applying for the post of Police Bandsman was published showing their marks in the written examination, when the final list of 212 candidates is published, none of the candidate, who had applied for the post of Police Bandsman is included in the said list. It is the contention of the applicants that when the posts were specifically published and the

applications were accordingly submitted by the applicants, the respondents were under the obligation to fill-up those posts. It is further submitted that same cutoff marks could not have been prescribed for the post of Police Bandsman as were fixed for the post of Police Constable.

3. Learned counsel for the applicants in the circumstances has prayed for directing the respondents to keep 08 posts out of 212 vacant while giving appointment to the candidates included in the said list.

4. Learned Chief Presenting Officer submits that in the advertisement itself it was clarified that out of 212 posts 08 will be for Police Bandsman. Learned C.P.O. further submitted that when it is noticed that none of the candidate, who had applied for Police Bandsman, had reached up to the cut off marks, the respondents have not selected any of them and the entire list of 212 candidates is published for Police Constables.

5. On our query, we are informed that for the Police Bandsman a different written test was conducted than the written test conducted for the Police Constable. The physical test was, however, same for both the posts. It is further informed that for the candidate, who applied for the post of Police Bandsman a separate skill test was conducted. Having considered the facts as aforesaid, we see prima-facie substance in the contention raised on behalf of the applicants that the respondents should have published a separate merit list of the candidates applying for the post of Police Bandsman. It is undisputed that total 212 posts are advertised and out of said posts, 08 posts were earmarked for appointment to be made on the post of Police Constable Bandsman. The documents on record reveal that the list of 212 candidates is published by the respondents under the title as 'Provisional Select List'. Admittedly all 212 persons are recommended for the posts of Police Constable.

6. We, therefore, direct the respondents to explain as to in what manner 08 posts of Police Bandsman

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O.A. NO. 887/2024

as provided in the advertisement are going to be filled in and whether the respondents are intending to carry out any separate recruitment process for filling in the said posts. The respondents shall further explain rational behind providing one and the same criteria for both the posts insofar as cut off of marks are concerned. Unless the aforesaid explanation is received from the respondents, it may not be possible to reach to any final conclusion as regards the prayers made by the applicants in the present O.A.

7. In the circumstances, while issuing notice to the respondents we deem it appropriate to direct the respondents not to fill in 08 posts out of 212, which are shown to be earmarked for Police Constable Bandsman till the next date. Hence, the following order:-

O R D E R

(i) Issue notice to the respondents, returnable on 02.09.2024. **The respondents shall submit the information as sought in paragraph no. 06 above on the said date on affidavit either in the**

affidavit in reply or separately. Till then the respondents shall not fill in more than 204 posts in order of merit.

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

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

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

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

(vi) S.O. to 02.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.907/2024
(Aditi B. Chame Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO.909/2024
(Payal R. Pithale Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Vishal P. Bakal, learned counsel for the applicants, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respective respondent authorities.

2. Learned Counsel undertakes to submit affidavit in accordance with the rules to remove office objections raised in the present matter.

3. Applicants applied for the post of Police Constable in pursuance of the advertisement published by respondent nos.2 and 3 on 29-02-2024. Applicants claim to be belonging to Scheduled Tribe (ST) category. For ST category, total 29 posts were reserved. Out of which 9 posts were specifically meant for ST (Female) candidates. In the examination held for the said post, applicant Aditi B. Chame has scored 122 marks and applicant

Payal R. Pithale has scored 120 marks out of 200. Applicants have, however, not been recommended against the seats reserved for ST (Female) category and the candidates who have been recommended from the said category have scored less marks than the applicants. In the circumstances, applicants have approached this Tribunal claiming the following relief: *[reproduced ad-verbatim from paper book pages 15-16 of O.A.No.909/2024]*

A) Call records and proceedings of the case from the respondent authorities in order to ascertain facts of the case.

B) Allow present Original application and Direct concern respondents more specifically respondent no. 2 and 3 to induct the name of applicant in select list of candidates for the post of police constable from ST Female category and for that purpose issue necessary order.

C Allow the applicant to be considered from "ST female" category instead of "ST General" category and the applicant be treated from "ST female" category for getting selected as Police Constable.

D) Hold and declare that applicant is eligible to be selected as police constable on the grounds of scoring 120 marks which are

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more than a candidate who scored 113 marks from ST female category and still selected.

Interim relief prayed :-

E) Pending hearing and final disposal of this Original Application, this Hon'ble court be please to pass order restraining the respondent no. 2 and 3 to issue any appointment order to such other candidates from ST (Female) category or such necessary interim order as this court deems fit and proper.

E-1} Pending hearing and final disposal of this OA, this Hon'ble court be please to pass order to keep 1 place vacant from ST Female Category and for that purpose necessary interim order as this court deems fit and proper may kindly be issued.

F} Pass such other further orders as this Hon'ble Tribunal may deem fit and proper in the above-mentioned peculiar facts and circumstances of the case.”

4. Learned Counsel for applicants submitted that it was not mandatory on the part of a female candidate to mention that she is claiming the reservation meant for Female. It is his further contention that even if that be so, the merit of the applicant cannot be just lost sight of because of the

said mistake committed by the applicants. He has further submitted that the applicants come from the rural areas and lower strata of the society and in the circumstances the mistake as has been committed in recording answer against column in the online application form “whether horizontal reservation is claimed or not?”, claim of the applicants cannot be denied on the said ground.

5. Learned Counsel further submitted that in the recruitment carried out in some other districts, similarly situated female candidates have been considered on their merit against the ST Female category. Learned Counsel submitted that the recruitment process is now on the verge of completion and appointment orders may be issued at any point of time. He has, therefore, prayed for interim relief directing the respondents to keep two posts vacant meant for ST (Female) candidates till decision of the present O.As.

6. Request made by the learned Counsel for the applicants has been opposed by the learned CPO.

Learned CPO alleged that the applicants have produced incomplete documents on record. He pointed out that the entire advertisement was required to be produced on record containing necessary instructions given for the candidates belonging to reserved categories before filling in online application forms. He has further submitted that according to his instructions, there was a specific instruction incorporated in the advertisement cautioning the candidates to fill the online form correctly and accurately as per the instructions. Learned CPO submitted that those instructions contain a clause that unless female reservation is specifically claimed, female candidate cannot be considered for the said seats. In the circumstances, according to the learned CPO, there is no case for grant of any interim relief in favour of the applicants. He has, therefore, prayed for rejecting the request made by the applicants for grant of interim relief.

7. We have considered the submissions made by the learned Counsel on behalf of the applicants as well as the learned CPO for the respondents. We have also gone through the documents placed on

record by the parties. It is not in dispute that the applicants while filling in online application did not claim horizontal reservation for ST (Female) and claimed only reservation available for ST candidates. The issue raised by the applicants in the present O.A. is, “whether it is mandatory for the female candidates to specifically claim seats reserved for Female candidates”. According to us, the aforesaid issue deserves consideration. From the documents on record it is explicit that, the applicants have secured more marks than the candidates recommended against the seats reserved for Female candidates. As such, the applicants have certainly made out a prima facie case for protecting their interest till the affidavit in reply is filed by the respondents.

8. In the circumstances, we are inclined to pass the following order:-

ORDER

(i) Issue notice to the respondents, returnable on 07.10.2024.

(ii) Till then, respondents shall keep two posts reserved for ST (Female) candidates vacant.

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

(iv) 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.

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

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

(vii) S.O. to 07.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.908/2024
(Ayesha Jabir Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Vishal P. Bakal, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respective respondent authorities.

2. Learned Counsel undertakes to submit affidavit in accordance with the rules to remove office objections raised in the present matter.

3. Applicant applied for the post of Police Constable in pursuance of the advertisement published by respondent nos.2 and 3 on 29-02-2024. Applicant claims to be belonging to EWS (Female) category. For Female category, total 64 posts were reserved. Out of which 6 posts were specifically meant for EWS (Female) candidates. In the examination held for the said post, applicant Ayesha Jabir Pathan has scored 104 marks out of 200. Applicant has, however, not been recommended against the seats reserved for

EWS (Female) category and the candidates who have been recommended from the said category have scored less marks than the applicant. In the circumstances, applicant has approached this Tribunal claiming the following relief: *[reproduced ad-verbatim from paper book pages 14-15 of O.A.]*.

A} Call records and proceedings of the case from the respondent authorities in order to ascertain facts of the case.

B} Allow present Original application and Direct concern respondents more specifically respondent no. 2 and 3 to induct the name of applicant in select list of candidates for the post of police constable from EWS Female category and for that purpose issue necessary order.

C} Allow the applicant to be considered from "EWS female" category instead of "Open Female" category and the applicant be treated from "EWS female" category.

D} Hold and declare that applicant is eligible to be selected as police constable on the grounds of scoring 104 marks which are more than a candidate who scored 91 marks from EWS female category.

Interim relief prayed:-

E} Pending hearing and final disposal of this Original Application, this Hon'ble court be please to pass restraining the respondent no. 2 and 3 to issue any appointment order to such

other candidates from EWS {Female} category or such necessary interim order as this court deems fit and proper. order-

E-1} Pending hearing and final disposal of this OA, this Hon'ble court be please to pass order to keep 1 place vacant from EWS Female Category and for that purpose necessary interim order as this court deems fit and proper may kindly be issued.

F} Pass such other further orders as this Hon'ble Tribunal may deem fit and proper in the above-mentioned peculiar facts and circumstances of the case.”

4. Learned Counsel for applicant submitted that it was not mandatory on the part of a female candidate to mention that she is claiming the reservation meant for Female. It is his further contention that even if that be so, the merit of the applicant cannot be just lost sight of because of the said mistake committed by the applicant. He has further submitted that the applicant comes from the rural area and lower strata of the society and in the circumstances the mistake as has been committed in recording answer against column in the online application form “whether horizontal reservation is claimed or not?”, claim of the applicant cannot be denied on the said ground.

5. Learned Counsel further submitted that in the recruitment carried out in some other districts, similarly situated female candidates have been considered on their merit against the EWS (Female) category. Learned Counsel submitted that the recruitment process is now on the verge of completion and appointment orders may be issued at any point of time. He has, therefore, prayed for interim relief directing the respondents to keep one post vacant meant for EWS (Female) candidates till decision of the present O.As.

6. Request made by the learned Counsel for the applicant has been opposed by the learned PO. Learned PO alleged that the applicant has produced incomplete documents on record. He pointed out that the entire advertisement was required to be produced on record containing necessary instructions given for the candidates belonging to reserved categories before filling in online application forms. He has further submitted that according to his instructions, there was a specific instruction incorporated in the advertisement cautioning the candidates to fill the online form correctly and accurately as per the instructions.

Learned PO submitted that those instructions contain a clause that unless female reservation is specifically claimed, female candidate cannot be considered for the said seats. In the circumstances, according to the learned PO, there is no case for grant of any interim relief in favour of the applicant. He has, therefore, prayed for rejecting the request made by the applicant for grant of interim relief.

7. We have considered the submissions made by the learned Counsel on behalf of the applicant as well as the learned CPO for the respondents. We have also gone through the documents placed on record by the parties. It is not in dispute that the applicant while filling in online application did not claim horizontal reservation for EWS (Female) and claimed only reservation available for EWS candidates. The issue raised by the applicant in the present O.A. is, "whether it is mandatory for the female candidates to specifically claim seats reserved for Female candidates". According to us, the aforesaid issue deserves consideration. From the documents on record it is explicit that, the applicant has secured more marks than the candidates

recommended against the seats reserved for EWS Female candidates. As such, the applicant has certainly made out a prima facie case for protecting her interest till the affidavit in reply is filed by the respondents.

8. In the circumstances, we are inclined to pass the following order:-

ORDER

(i) Issue notice to the respondents, returnable on 07.10.2024.

(ii) Till then, respondents shall keep one post reserved for EWS (Female) candidates vacant.

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

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

(v) This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

(vii) S.O. to 07.10.2024.

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

MEMBER (A)
YUK ORAL ORDER 21.08.2024

VICE CHAIRMAN

**M.A.ST.NO. 1850/2023 IN O.A.ST.NO. 1851/2023
(Kishan S. Ghuge & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri V.U. Rathod, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that all the applicants are retired employees from the same department and they have filed this Original Application jointly for the same relief on the same cause of action.

3. In view of same and for the reasons stated in the application, to avoid the multiplicity, Misc. Application is allowed. The applicants are permitted to sue/prosecute jointly the Original Application filed by them, subject to payment of court fee stamps, if not paid.

4. The present M.A.St.No. 1850/2023 stands disposed of accordingly without any order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1851/2023
(Kishan S. Ghuge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri V.U. Rathod, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The office has raised the objection that the Original Application appears to be barred by limitation.

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

4. S.O. to 18.09.2024.

MEMBER (J)

**M.A.ST.NO. 1852/2023 IN O.A.ST.NO. 1853/2023
(Bismilla Khan Murtuja Khan Pathan & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri V.U. Rathod, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that all the applicants are retired employees from the same department and they have filed this Original Application jointly for the same relief on the same cause of action.

3. In view of same and for the reasons stated in the application, to avoid the multiplicity, Misc. Application is allowed. The applicants are permitted to sue/prosecute jointly the Original Application filed by them, subject to payment of court fee stamps, if not paid.

4. The present M.A.St.No. 1852/2023 stands disposed of accordingly without any order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1853/2023
(Bismilla Khan Murtuja Khan Pathan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri V.U. Rathod, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. The office has raised the objection that the Original Application appears to be barred by limitation.

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

4. S.O. to 18.09.2024.

MEMBER (J)

**M.A.ST.NO. 307/2024 IN O.A.ST.NO. 308/2024
(Mukund K. Wailkar & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri V.U. Rathod, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that all the applicants are retired employees from the same department and they have filed this Original Application jointly for the same relief on the same cause of action.

3. In view of same and for the reasons stated in the application, to avoid the multiplicity, Misc. Application is allowed. The applicants are permitted to sue/prosecute jointly the Original Application filed by them, subject to payment of court fee stamps, if not paid.

4. The present M.A.St.No. 307/2024 stands disposed of accordingly without any order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 308/2024
(Mukund K. Wailkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri V.U. Rathod, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. The office has raised the objection that the Original Application appears to be barred by limitation.

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

4. S.O. to 18.09.2024.

MEMBER (J)

**O.A.NO. 706/2024 WITH Caveat No. 34/2024
(Moni B. Sontakke Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Shri G.B. Kongre, learned counsel holding for Shri P.S. Anerao, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri R.S. Patil, learned counsel for Caveator/respondent No.5, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.09.2024.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 849 OF 2024
(Raghunath Prabhu Ghodake Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri R.S. Patil, learned counsel for the applicant and Smt. R.S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 12.09.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 849/2024

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

7. S.O. to 12.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 861 OF 2024
(Dattatray C. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Paresh B. Patil (Borse), learned counsel for the applicant and Smt. R.S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The office has raised the objection that the applicant has not filed the departmental appeal before the higher authority under Rule 17 (i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. Learned counsel for the applicant submits that in the year 2021 when the applicant was promoted on higher post, due to his personal difficulties he has refused the said promotion. However, the applicant has submitted application/representation stating therein that how he was constrained to refuse the promotion. Furthermore, the applicant has repeatedly filed applications/representations to redress his grievance. However, when the applicant was again due for promotion, the order of

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O.A. 861/2024

suspension has been passed on the basis of certain allegations. Learned counsel for the applicant submits that the suspension order is nothing but the outcome of vindictive, malafide approach.

4. In view of above submission and since the applicant has annexed various representations/communication submitted by the applicant to the higher authority for seeking redressal of his grievance in connection with the promotion, the office objection stands overruled.

5. Issue notices to respondents, returnable on 13.09.2024.

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.

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O.A. 861/2024

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 13.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 866 OF 2024
(Rahul Sahebrao Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Amol S. Gandhi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that before filing of this Original Application the applicant has filed the departmental appeal against the order of suspension which is still pending before the Division Commissioner Nashik, Division, Nashik. Learned counsel for the applicant submits that the purpose of filing of this Original Application will be fulfilled if the directions are given to the Departmental Appellate Authority to decide the said appeal expeditiously in time bound manner.

3. Learned Presenting Officer for the respondents has no objection for the same.

4. In view of above, this Original Application can be disposed of by giving appropriate direction to the respondent No.2 to decide the appeal filed by the

//2// O.A. 866/2024

applicant in a time bound manner. Hence, the following order:-

ORDER

- (A) The Original Application is hereby partly allowed.
- (B) The respondent No.2 i.e. the Divisional Commissioner Nashik, Division Nashik is hereby directed to decide the appeal filed by the applicant against the order of suspension (Exh. 'A-21') on or before two months on its own merits.
- (C) In case of any adverse order is passed in the Departmental Appeal, the applicant is at liberty to approach this Tribunal again.
- (D) It is hereby made clear that all points are kept open.
- (E) In the circumstances, there shall be no order as to costs.
- (F) The Original Application is accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION NO. 876 OF 2024
(Saniya Santosh Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 21.10.2024.

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

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

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

//2// O.A. 876/2024

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

7. S.O. to 21.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 21.08.2024

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

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits short affidavit of the applicant. The same is taken on record and copy thereof is given to learned P.O.

3. I have heard learned counsel for the applicant at length.

4. Yesterday when this matter was called out, the learned P.O. was directed to take instructions as to whether the applicant has relieved or not. In response to the same, the learned P.O. submits the copy of communication dated 16.08.2024 received from the Tahsildar, Ahmednagar mentioning therein that the applicant has been relieved before noon on 16.08.2024 itself. The copy of said communication is taken on record and marked 'X' for identification.

5. Learned counsel for the applicant has vehemently submits that the individual orders have

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O.A. 893/2024

not been issued and thus requested for status quo. However, there is a communication in writing as to when and how the applicant came to be relieved.

6. In view of same, issue notice to respondents returnable on 04.09.2024.

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

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

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

10. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

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O.A. 893/2024

compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

11. S.O. to 04.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 21.08.2024

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

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

DATE : 21.08.2024

ORAL ORDER :

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

2. I have heard learned counsel for the applicant at length.

3. Yesterday when this matter was called out, the learned P.O. was directed to take instructions as to whether the applicant has relieved or not. In response to the same, the learned P.O. submits the copy of communication dated 16.08.2024 received from the Tahsildar, Shevgaon mentioning therein that the applicant has been relieved afternoon on 16.08.2024 itself. The copy of said communication is taken on record and marked 'X' for identification.

4. Learned counsel for the applicant has vehemently submits that the individual orders have not been issued and thus requested for status quo.

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O.A. 894/2024

However, there is a communication in writing as to when and how the applicant came to be relieved.

5. In view of same, issue notice to respondents returnable on 04.09.2024.

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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O.A. 894/2024

Applicant is directed to file affidavit of compliance and notice.

10. S.O. to 04.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 21.08.2024

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

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

DATE : 21.08.2024

ORAL ORDER :

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

2. I have heard learned counsel for the applicant at length.

3. Yesterday when this matter was called out, the learned P.O. was directed to take instructions as to whether the applicant has relieved or not. In response to the same, the learned P.O. submits the copy of communication dated 16.08.2024 received from the Tahsildar, Parner mentioning therein that the applicant has been relieved after office hours on 16.08.2024 itself. The copy of said communication is taken on record and marked 'X' for identification.

4. Learned counsel for the applicant has vehemently submits that the individual orders have not been issued and thus requested for status quo. However, there is a communication in writing as to when and how the applicant came to be relieved.

//2// O.A. 905/2024

5. In view of same, issue notice to respondents returnable on 04.09.2024.

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

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O.A. 905/2024

10. S.O. to 04.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**ORIGINAL APPLICATION NO. 906 OF 2024
(Savita B. Nath Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 22.08.2024 for taking instructions.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Learned P.O. submits that the representation submitted by the applicant has been placed before the Civil Services Board and meeting of Civil Services Board is over and the recommendations made by the Civil Services Board on 19.08.2024 has been forwarded to the Competent Authority for appropriate order.

3. In view of above, S.O. to 04.09.2024 for hearing in **urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 487 OF 2018
(Ramchandra L. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 07.10.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

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

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of the learned counsel for the applicant, S.O. to 20.09.2024 as suggested for hearing.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 97 OF 2024
(Govind B. Hambarde Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Smt. Archana Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for respondent No.3, are present.

2. At the request of learned counsel for the applicant, time granted for filing affidavit in rejoinder.

3. S.O. to 06.09.2024 for filing rejoinder, if any and for hearing.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**ORIGINAL APPLICATION NO. 606 OF 2024
(Maruti B. Garote Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Shri B.P. Gonare, learned counsel holding for Shri R.R. Bangar, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.3, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent Nos. 1 and 2. Time granted.

3. Learned counsel appearing for respondent No.3 also seeks time to file reply on behalf of said respondent. Time granted.

4. S.O. to 13.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 719 OF 2024
(Sohail Noor Mohammad Shaikh Vs. State of Maharashtra
& Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 719 OF 2024
(Sohail Noor Mohammad Shaikh Vs. State of Maharashtra
& Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 04.09.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 785 OF 2024
(Dnyaneshwar B. Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply.

3. S.O. to 10.09.2024.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**ORIGINAL APPLICATION NO. 829 OF 2024
(Pramod S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply.

3. S.O. to 04.09.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**O.A.NO. 830/2024 With Caveat No. 42/2024
(Pallavi M. Temkar Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Shri J.J. Patil, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Dhananjay Chinchole, learned counsel holding for Shri Y.V. Kakade, learned counsel for Caveator/respondent No.3, are present.

2. At the request of learned P.O. and learned counsel for respondent No.3, time granted for filing affidavit in reply.

3. S.O. to 04.09.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 845 OF 2024
(Gajanan S. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Dhananjay Chinchole, learned counsel holding for Shri Y.V. Kakade, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel appearing for the applicant on instructions in writing from the applicant seeks leave to withdraw this Original Application. The said communication in writing is taken on record and marked 'X' for identification.
3. Leave as prayed for is granted.
4. The Original Application is disposed of as withdrawn. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 846 OF 2024
(Udaysinh D. Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 23.08.2024.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

M.A.NO. 94/2023 IN O.A.ST.NO. 171/2024
(Amolsinh P. Gour Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply in M.A.
3. S.O. to 09.09.2024.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**M.A.NO. 99/2024 IN O.A.ST.NO. 486/2024
(Raju T. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1, 2 and 4. The same is taken on record and copy thereof is already given to learned counsel appearing for the applicant.

3. Learned P.O. submits that the respondent No.3 is adopting the affidavit in reply filed by respondent Nos. 1, 2 & 4.

4. List the matter for filing affidavit in rejoinder, if any and for hearing on 09.10.2024.

MEMBER (J)

M.A.NO. 220/2024 IN O.A.ST.NO. 1274/2024
(Dr. Maroti P. Pote & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Smt. Rajashree C. Sawale, learned counsel holding for Shri S.N. Pagare, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply in M.A.
3. S.O. to 12.09.2024.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 224 OF 2023
(Bhumanna M. Achewad Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 05.09.2024 for further hearing.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 1068 OF 2023
(Gunaji Gendaji Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri P.G. Suryawanshi, learned counsel holding for Talekar and Associates, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for order.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**M.A.NO. 420/2022 IN O.A.ST.NO. 1554/2022
(Eknath M. Bansode Vs. State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

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

2. In view of absence of learned counsel for the applicant, S.O. to 21.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

M.A.NO. 171/2024 IN O.A.ST.NO. 356/2024
(Dattatray M. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits the synopsis of events as directed. The same is taken on record and copy thereof is given to learned P.O.

3. Learned counsel for the applicant, however, seeks time to place certain annexures on record. Time granted.

4. S.O. to 09.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

M.A.NO. 312/2022 IN O.A.ST.NO. 1121/2022
(Dr. Balasaheb M. Kalegore & Ors. Vs. State of Maharashtra
& Ors.)

WITH

M.A.NO. 238/2023 IN O.A.NO. 438/2023
(Dr. Dilip C. Godse & Ors. Vs. State of Maharashtra & Ors.)

WITH

M.A.473/2023 IN M.A. 474/2023 IN O.A.St. 2140/2022
(Dr. Gajanan G. Mohalle & Ors. Vs. State of Maharashtra &
Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicants in all these matters and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. At the request of learned P.O., S.O. to 06.09.2024 as a last chance for hearing.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

**M.A.NO. 329/2024 IN M.A.NO. 529/2023 IN
O.A.NO. 1112/2022 WITH Caveat No. 40/2022
(The State of Maharashtra & Ors. Vs. Mohammad Raza
Khan)**

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

DATE : 21.08.2024

ORAL ORDER :

Shri A.P. Basarkar, learned Presenting Officer for the applicants in M.A.No. 329 of 2024 / original respondents, Shri A.S. Deshmukh, learned counsel for the applicant in M.A. 529/2023 & O.A. 1112/2022/ respondent in M.A. 329 of 2024 and Shri M.B. Bharaswadkar, learned counsel for respondent No.3 in O.A.No. 1112/2022, are present.

2. Heard both the sides for some time on M.A. filed by the State for vacating the interim relief.
3. Learned counsel for the applicant seeks time to take instruction from the applicant. Time granted.
4. S.O. to 28.08.2024 for hearing in **urgent admission category**. The interim relief granted earlier in O.A. to continue till then.

MEMBER (J)

Special Board of ensuing Lok Adalat

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

DATE : 21.08.2024

ORAL ORDER :

Shri Vishnu Kande, learned counsel holding for Shri Ajinkya Reddy, learned counsel appearing for respondent No.2 in O.A.No. 1026/2023, respondent No.3 in O.A.No. 379/2023 & 708/2023 and respondent No.6 in O.A.No. 395/2022.

2. These matters are listed before the **Lok Adalat**. However, Yesterday when the **Lok Adalat** board was called out, learned counsel appearing for respondent-Godavari Marathwada Irrigation Department made a statement for and on behalf of said respondent that the said respondent is not willing to place these matters before ensuing **Lok Adalat**. In view of same, this Tribunal has directed these respondents to remain present before this Tribunal on the next date of hearing i.e. today. However today learned counsel now on instructions makes a statement that the respondent - Godavari Marathwada Irrigation Department is now ready to give consent in these four matters.

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3. In view of same, the learned counsel appearing for respondent - Godavari Marathwada Irrigation Department is requested to file consent before the registrar of this Tribunal.

4. Learned counsel for respondent No.2 in O.A.No. 1026/2023 submits the affidavit in reply on behalf of said respondent along with spare copy for the other side. The same is taken on record.

5. S.O. to 22.08.2024.

MEMBER (J)

SAS ORAL ORDER 21.08.2024

O.A. Nos. 921, 922, 923 & 924 all of 2018
(Shriram B. Jadhav & 3 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicants in all these O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in all these O.As. for some time.

Smt. Anuradha Mantri, learned counsel for respondent No. 4 in O.A. No. 923/2018, is **absent**.

2. It appears that pay fixation of the applicants was done under Rule 11(1)(a) of the Maharashtra Civil Services (Pay) Rules, 1981 (hereinafter referred as 'the Rules of 1981') instead of Rule 11(4) of the Rules of 1981 though specifically recorded and directed by the Departmental Promotion Committee. However, subsequently the Accounts Officers, Pay Verification Unit of the concerned districts have raised objection that the applicants have been paid excess payment due to wrong pay fixation under Rule 11(1)(a) of the Rules of 1981 instead of Rule 11(4) of the Rules of 1981.

//2//

3. Learned counsel for the applicants has vehemently submitted that as per the office order dated 03.11.1998 (in O.A. No. 921/2018), the pay fixation of the applicant was done as per Rule 11(1)(a) of the Rules of 1981 with a remark that in the event if the Government decides to fix the pay of the applicant in terms of Rule 11(4), then the applicant would be liable to refund the amount.

4. In the backdrop of aforesaid submissions, it is necessary to look into the aspect as to what was the objection precisely raised by the Pay Verification Unit.

5. Learned counsel for the applicants seeks leave to implead the Accounts Officer, Pay Verification Unit of the concerned Districts as party respondent to the present Original Applications.

6. Leave granted. The applicants shall implead the Accounts Officer, Pay Verification Unit of the concerned districts as party respondent to the present Original Applications within a period of one week from the date of this order.

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7. Upon carrying out amendment to that effect, issue notice to newly added respondent in all these O.As., returnable on 19.09.2024.

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

9. 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.

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. Applicants are directed to file affidavit of compliance and notice.

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12. S.O. to 19.09.2024 for final hearing.

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

MEMBER (J)

KPB ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh R. Admankar Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri N.U. Yadav, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 2 to 5.

2. Learned counsel appearing for respondent Nos. 2 to 5 has placed before this Tribunal certain documents pertaining to the enquiry conducted in connection with the allegations made by the applicant against the reporting officer and reviewing authority about the disputed ACRs of the years 2018-19 and 2019-20. It further appears that those persons, against whom the enquiry was initiated have submitted explanation that the remarks as recorded in the said ACRs of the years 2018-19 and 2019-20 respectively are not adverse and the same is evident from the fact that the applicant came to be promoted in due course. On perusal of those disputed ACRs, it appears that overall gradation in

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O.A. No. 638/2021

both the ACRs is चांगले. In terms of para No. 29 of the G.R. dated 01.11.2011, the ACRs about the remarks of साधारण, सर्वसाधारण, साधारणपेक्षा कमी, बरा, ठीक, सुमार or as per the similar name, are the adverse remarks. Admittedly, those remarks of the disputed ACRs were never communicated to the applicant. Further despite the explanation submitted by the reporting officer and the reviewing authority stating therein specifically that the remarks as recorded against the applicant are not adverse, no order has been passed to that effect by the competent authority in terms of para No. 36 of the G.R. dated 01.11.2011.

3. Learned counsel for respondent Nos. 2 to 5 is hereby requested to take specific instructions in this regard and file short affidavit, if so needed.

4. S.O. to 13.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 428 OF 2023
(Sanjay P. Bodkhe Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri S.P. Bodkhe, party in person, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3.

2. Party in person submits additional affidavit in Marathi. Though the language is to be used for the procedural aspect in the Tribunal is English, however, in terms of Rule 3 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, I permit the party in person to file additional affidavit in Marathi. Same is taken on record and copy thereof is given to other side.

3. Part heard.

4. S.O. to 04.09.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1008 OF 2023
(Mohammad Asgar Mohammad Moosa Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no affidavit in reply has been filed.

3. List the matter for admission hearing on 24.10.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 10 OF 2022
(Akash T. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 13.11.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 269 OF 2022
(Sharad V. Andure & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri Avishkar Shelke, learned counsel for the applicants, is present. Shri M.P. Gude, learned counsel for respondent Nos. 1 to 3, is **absent**.

2. It appears that repeatedly learned counsel Shri M.P. Gude representing for respondent Nos. 1 to 3 remained absent.

3. Learned counsel for the applicants is requested to inform learned counsel Shri M.P. Gude, in writing through E-mail, Message etc. about the next date of hearing. In case learned counsel for respondent Nos. 1 to 3 remained absent even if on the next date of hearing, the present matter will be heard in his absence.

4. S.O. to 18.09.2024 for hearing.

MEMBER (J)

Later on :-

5. Learned counsel appearing for respondent Nos. 1 to 3 is present and requested for short adjournment. Adjournment granted.

6. S.O. to 18.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 17 OF 2022
(Baburao M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant (**Leave Note**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 23.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 915 OF 2022
(Kailas M. Prajapati Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. S.O. to 15.10.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 79 OF 2023
(Satish S. Gugale Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply to the amended O.A. Time granted.

3. S.O. to 13.09.2024 for hearing.

MEMBER (J)

O.A. No. 372/2023 with O.A. No. 373/2023
(Raosaheb S. Deshmukh & Dhanraj P. Kankriya Vs. State of
Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicants in both the O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. In compliance with the directions given in the earlier order dated 03.07.2024, learned Presenting Officer has placed on record a copy of memo of W.P. No. 8123/2022. Same is taken on record.

3. S.O. to 27.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 612 OF 2023
(Mohammad Hafiz Ur Ibadur Raheman Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. S.O. to 27.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 21.08.2024

O.A. No. 709/2023 with M.A. No. 207/2024
(Deepak R. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent No. 6, are present.

2. S.O. to 05.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 21.08.2024

ORIGINAL APPLICATION NO. 735 OF 2023
(Suryakant D. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. S.O. to 28.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 152 OF 2024
(Sushila R. Mulay & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri Dilip Mutalik, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 698 OF 2023
(Suresh R. Warade Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 23.08.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 40 OF 2023
(Sunanda D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri Abhijit Namde, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 4, are present.

2. Learned counsel for respondent Nos. 2 and 4 submits affidavit in reply. Same is taken on record along with spare for the applicant.

3. S.O. to 19.09.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

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

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 23.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 885 OF 2024
(Gayatri Munjaji Panchal Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. The applicant applied for the post of Tracer pursuant to the advertisement dated 01.11.2023 issued by respondent No. 1. The applicant claims to be belonging to OBC Category and she has applied for the said post for to be considered against OBC female seat. Total 68 posts were to be filled in out of which 04 posts were reserved for OBC female candidates. It is the contention of the applicant that she has secured 130 marks and she is likely to be selected on her merit against OBC female seat.

3. Learned counsel for the applicant submitted that though one Ms. Trupti Datta Khandagale has secured 122 marks, she has been recommended for OBC (Female) category as OBC (Female-1) and the applicant has been disqualified on the ground that she is not possessing qualification prescribed in the advertisement, as well as,

in the recruitment rules. In the advertisement as well as in the recruitment rules the qualification prescribed is as under: -

“९. अनुरेखक :- १. ज्यांनी माध्यमिक शालांत परीक्षा उत्तीर्ण केली आहे, आणि
२. ज्यांनी शासनाच्या औद्योगिक प्रशिक्षण संस्थेचा आरेखक स्थापत्य हा अभ्यासक्रम उत्तीर्ण केलेला आहे किंवा शासन मान्यता प्राप्त कला/रेखाचित्र विद्यालयाची कला शिक्षक पदविका धारण केली आहे.”

4. The applicant is possessing the qualification as diploma course in Architect Draftsman of the duration of 02 years conducted by the Maharashtra State Board of Skill, Vocational Education and Training. Learned counsel appearing for the applicant submitted that the Government vide its resolution issued on 28.09.2012 has held the certificate course in Architect Draftsman equivalent to the post of Draftsman Civil conducted by Industrial Training Institute. In the circumstances, according to him, the applicant possesses the prescribed qualification. Learned counsel has relied upon the judgment of the Hon'ble Apex Court in the case of **Rajesh Kumar Dwivedi Vs. State of U.P. & Anr., Civil Appeal No. 9140/2019 decided on 06.12.2019**. Learned counsel submitted that the identical facts exist in the present matter. He, therefore, urged for applying the same ratio in the present matter and prayed for grant of

interim relief thereby directing the respondents to keep one post vacant meant for the OBC female candidate till decision of the present O.A.

5. The request so made is opposed by the learned Presenting Officer. At the first instance learned Presenting Officer sought time to take instructions and to file affidavit in reply so as to bring on record authentic statement from the respondents. Learned P.O. further submitted that as has been revealed from the pleadings and the arguments advanced by the learned counsel for the applicant the amendment has not been carried out in the recruitment rules though the Government Resolution dated 28.09.2012 exists. Learned P.O. submitted that the educational qualification prescribed in the recruitment rules will have precedence over the qualification prescribed in the Government Resolution. He, therefore, prayed for rejecting the request of interim relief.

6. We have considered the submissions made on behalf of the applicant as well as the State authorities. We have also perused the documents placed on record. The Government Resolution dated 28.09.2012 is quite explicit which demonstrates that the course of Draftsman Civil conducted by the Industrial Training Institute of the

duration of 02 years is equivalent to certificate course in Architect Draftsman or certificate course in Draftsman Civil conducted by the Maharashtra State Vocational Education Examination Board. When the Government itself has given equivalence to the course which is possessed by the applicant, *prima facie*, it appears that the applicant may be liable to be considered. Though it is true that unless the affidavit in reply is filed by the respondents, final conclusion may not be arrived at, in the meanwhile if the entire process gets completed the very purpose of filing the O.A. will get frustrated. In the circumstances, we deem it appropriate to pass the following order: -

ORDER

(i) Issue notice to respondents, returnable on 17.10.2024. **Till then respondents shall keep one post of Tracer reserved for OBC (Female) candidate vacant.**

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

(iii) 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.

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

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

(vi) S.O. to 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 886 OF 2024
(Aftab Yunus Beg Vs. the State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 21.08.2024

ORAL ORDER :

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

2. The applicant applied for the post of Tracer pursuant to the advertisement dated 01.11.2023 issued by respondent No. 1. The applicant claims to be belonging to EWS Category and he has applied for the said post for to be considered against EWS seat. Total 59 posts were to be filled in out of which 06 posts were reserved for EWS candidates. It is the contention of the applicant that he has secured 120 marks and he is likely to be selected on his merit against EWS seat.

3. Learned counsel for the applicant submitted that though one Shri Rakesh Arjun Powar has secured 108 marks, he has been recommended for EWS category as EWS General-1 and the applicant has been disqualified on the ground that he is not possessing qualification prescribed in the advertisement, as well as, in the recruitment rules. In the advertisement as well as in the

recruitment rules the qualification prescribed is as under: -

“१. अनुसूचक :- १. ज्यांनी माध्यमिक शालांत परीक्षा उत्तीर्ण केली आहे, आणि
२. ज्यांनी शासनाच्या औद्योगिक प्रशिक्षण संस्थेचा आरेखक स्थापत्य हा
अभ्यासक्रम उत्तीर्ण केलेला आहे किंवा शासन मान्यता प्राप्त कला/रेखाचित्र
विद्यालयाची कला शिक्षक पदविका धारण केली आहे.”

4. The applicant is possessing the qualification as diploma course in Architect Draftsman of the duration of 02 years conducted by the Maharashtra State Board of Skill, Vocational Education and Training. Learned counsel appearing for the applicant submitted that the Government vide its resolution issued on 28.09.2012 has held the certificate course in Architect Draftsman equivalent to the post of Draftsman Civil conducted by Industrial Training Institute. In the circumstances, according to him, the applicant possesses the prescribed qualification. Learned counsel has relied upon the judgment of the Hon'ble Apex Court in the case of **Rajesh Kumar Dwivedi Vs. State of U.P. & Anr., Civil Appeal No. 9140/2019 decided on 06.12.2019**. Learned counsel submitted that the identical facts exist in the present matter. He, therefore, urged for applying the same ratio in the present matter and prayed for grant of interim relief thereby directing the respondents to keep

one post vacant meant for the EWS General candidate till decision of the present O.A.

5. The request so made is opposed by the learned Presenting Officer. At the first instance learned Presenting Officer sought time to take instructions and to file affidavit in reply so as to bring on record authentic statement from the respondents. Learned P.O. further submitted that as has been revealed from the pleadings and the arguments advanced by the learned counsel for the applicant the amendment has not been carried out in the recruitment rules though the Government Resolution dated 28.09.2012 exists. Learned P.O. submitted that the educational qualification prescribed in the recruitment rules will have precedence over the qualification prescribed in the Government Resolution. He, therefore, prayed for rejecting the request of interim relief.

6. We have considered the submissions made on behalf of the applicant as well as the State authorities. We have also perused the documents placed on record. The Government Resolution dated 28.09.2012 is quite explicit which demonstrates that the course of Draftsman Civil conducted by the Industrial Training Institute of the duration of 02 years is equivalent to certificate course in

Architect Draftsman or certificate course in Draftsman Civil conducted by the Maharashtra State Vocational Education Examination Board. When the Government itself has given equivalence to the course which is possessed by the applicant, *prima facie*, it appears that the applicant may be liable to be considered. Though it is true that unless the affidavit in reply is filed by the respondents, final conclusion may not be arrived at, in the meanwhile if the entire process gets completed the very purpose of filing the O.A. will get frustrated. In the circumstances, we deem it appropriate to pass the following order: -

ORDER

(i) Issue notice to respondents, returnable on 17.10.2024. **Till then respondents shall keep one post of Tracer reserved for EWS General candidate vacant.**

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

(iii) 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.

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

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

(vi) S.O. to 17.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 877 OF 2024
(Suresh Kashinath Solankar Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Remove from the board.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 337/2024 IN O.A.NO. 826/2024
(Vaibhav Rajendra Dhole Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri P.D. Bachate, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 10.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 21.08.2024-HDD

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

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

DATE : 21.08.2024

ORAL ORDER :

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

2. List the present matter for hearing on 16.10.2024.

MEMBER (A)

VICE CHAIRMAN

T.A.NO. 23/2023 (W.P.NO. 13531/2023)
(Kishor Bharat Deshmukh & Ors. Vs. the State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel holding for Smt. Suchita Amit Dhongde, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 06.09.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 21.08.2024-HDD

ORIGINAL APPLICATION NO. 1118 OF 2023
(Kisan Namdev Khandare Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri Satish P. Dhoble, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. List the present matter for hearing on 24.09.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 60/2020 IN O.A.ST.NO. 2451/2019
(Priti Vivek Sangolkar Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri R.D. Khadap, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks leave of this Tribunal to correct the addresses of respondent Nos. 3 to 6. Leave granted as prayed for. The applicant shall carry out the necessary amendment within a week.

3. After carrying out the necessary amendment, reissue notice to respondent Nos. 3 to 6 in M.A. on the corrected address, returnable on 15.10.2024.

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

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

:: - 2 - :: M.A. 60/20 IN O.A.ST. 2451/19

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

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

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

8. S.O. to 15.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 644 OF 2024
(Vishnu Sheshrao Bangar Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 21.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant prays for extension of one week's time to carry out the amendment in the O.A. Time extended as prayed for.

3. At the request of learned counsel for the applicant, reissue notice to respondents, returnable on 16.10.2024.

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

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

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

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

8. S.O. to 16.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 190 OF 2023
(Kishan Bhaurao Mane Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that rejoinder affidavit is not to be filed. List the matter for hearing on 15.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 191 OF 2023
(Deorao Anandrao Sawale Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that rejoinder affidavit is not to be filed. List the matter for hearing on 15.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 465 OF 2024
(Sailata Krishna samleti Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Affidavit in reply is not yet filed by the respondents. List the matter for hearing on 07.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 544 OF 2024
(Ravindra S. Khandare Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Affidavit in reply is not yet filed by the respondents. List the matter for hearing on 07.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 314 OF 2024
(Vipul Ramesh Rao Bhagwat Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. Affidavit in reply is not yet filed by the respondents. List the matter for hearing on 07.10.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 40/2024 IN O.A.NO. 424/2022
(Raosaheb Khandu Jare Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 21.08.2024-HDD

M.A.NO. 580/2023 WITH O.A.NO. 1007/2023
(Priyanka P. Lagad Vs. ShrikantUttam Jadhav & Ors./the State of
Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Shri Shabbeer A Mulla, learned counsel for the applicants in M.A. No. 580/2023 is absent.

Shri S.S. Thombre, learned counsel holding for Shri L.V. Sangit, learned counsel for the applicants in O.A. No. 1007/2023 and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 29.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 21.08.2024-HDD

ORIGINAL APPLICATION NO. 863 OF 2023
(Almoddin Babu Shaikh Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Ms. Pooja Munde, learned counsel holding for Shri Pavan P. Uttarwar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 22.10.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 487/2024 & 488/2024
(Rajesh J. Gangurde & Anr. Vs. the State of Maharashtra & Ors.)**

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

DATE : 21.08.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities in both these matters, are present.

2. S.O. to 23.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 387 OF 2023
(Sachin Madhukar Landge Vs. the State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. S.O. to 23.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 21.08.2024-HDD

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

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

DATE : 21.08.2024

ORAL ORDER :

Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for respondent authorities and Shri K.G. Shinde, learned counsel for respondent No. 3, are present.

2. S.O. to 20.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1034 OF 2023
(Dr. Rekha G. Gaikwad Vs. The State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

Heard Shri Vaibhav B. Kulkarni, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri S.K. Kadam, learned counsel for respondent No. 4.

2. Learned Chief Presenting Officer has filed short affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the other side. He has also filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the other side.

3. Arguments are extensively heard. S.O. to 22.08.2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 144 OF 2022
(Dr. Dayanand P. Jagtap Vs. the State of Maharashtra & Ors.)

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

DATE : 21.08.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 06.09.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 21.08.2024-HDD