

**ORIGINAL APPLICATION NO.424/2020 & 454/2020
(Anil Devchand Kondhare & Ambadas Popat Lagad
Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Heard Shri S.R.Shirsat, learned Counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer representing the respondents.

2. Since majority facts in both the O.As. are identical and relief claimed is also same, we have heard the common arguments in both these matters and we deem it appropriate to decide both these O.As. by a common order.

3. Applicants entered into the services on the post of Peon i.e. Group-D post. In view of certain Government decisions both were entitled for promotion to the post of Clerk-cum-Typist after having put in 3 years' continuous service and having the other prescribed qualifications. It is the case of both the applicants that they fulfill the eligibility criteria as prescribed for promotion to the post of Clerk-Typist.

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4. The contentions as have been raised by the applicants are denied by the respondents in their affidavits in reply. According to the respondents the applicants are rightly not considered for promotion to the post of Clerk-Typist for want of the prescribed qualification.

5. Shri Shirsat, learned Counsel appearing for the applicants relying on the Government Resolution dated 15-01-2016 submitted that as provided in clause 2 of the said Government Resolution, the applicants were entitled to be provided with period of 2 years for passing the computer proficiency and typing examination and subject to that the respondents must have granted promotion to them. As against it, learned CPO Shri Mahajan has relied upon the Clerk-Typist, Group "C" in the Government Offices, outside Greater Mumbai (Recruitment) Rules, 2017, and more particularly, clause 3(b)(ii) and (iii) thereof. The learned CPO submitted that both the applicants are not holding any degree and at the relevant time they were also not holding the computer proficiency and typing certificates as prescribed in sub clause (iii) referred hereinabove.

6. On such submissions advanced by the learned CPO, Shri Shirsat, learned Counsel for the applicants brought to our notice that vide Government Notification dated 11-06-2019, to the Recruitment Rules of 2017 proviso has been added thereby making the candidates having passed

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the Higher Secondary Certificate Examination (HSC) eligible for the promotion to the post Clerk Typist for next 5 years from the date of adding of the said proviso. The learned Counsel submits that though the Recruitment Rules of 2017 have been framed, the qualification of degree prescribed in the said Rules is kept in abeyance up to the year 2024 for benefit of the candidates like the present applicants. The learned Counsel further submitted that now both the applicants have also acquired the computer proficiency and have also passed the typing examinations. The learned Counsel submitted that now, therefore, there may not be any reason for denying the opportunity of promotion to the present applicants.

7. In view of the submissions as are made by the learned Counsel for the applicants and the learned CPO and having regard to the documents filed on record, it appears to us that both the applicants are fulfilling the eligibility criteria for to be promoted to the post of Clerk-Typist from amongst the employees falling in Group-D category. It is to be noted that vide Government Resolution dated 14-01-2016, the percentage of the posts to be filled in by way of promotion from amongst the Group-D category employees has been increased to 50% which was 25% in the earlier G.R. dated 10-05-2005.

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8. Vacancy position is reflected in Annexure R-2 to the affidavits in reply filed in both these matters by respondent nos.2 to 4. Without going into the merits of the other contentions whether the relaxation of 2 years could have been provided to the present applicants or otherwise, in premise of the present status that both the applicants have acquired the computer proficiency as well as the certificate of typing, and both have passed HSC examination, it appears to us that, there may not be any impediment for the respondents to consider both the applicants for their promotion to the post of Clerk-Typist from amongst the Group-D category employees, in order of seniority and having regard to the policy of reservation and the G.Rs. issued in that regard which are presently holding the field. Order accordingly.

9. Both the O.As. stand disposed of in the aforesaid terms without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.192/2016
(Maroti Koli Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri A.M.Golegaonkar, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 31-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.77/2017
(Rajesh Yawalkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri Kalyan Patil, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 31-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.28/2018
(Shashank B. Kamble Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri G.J.Kore, learned Advocate for the applicant,
Shri D.R.Patil, learned Presenting Officer for the
respondents and Shri Mahendra Kochar, learned Advocate
for respondent nos.3 to 5, are present.

2. S.O. to 31-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.149/2018
(Dhananjay Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri D.T.Devane learned Advocate holding for
Shri M.B.Kolpe, learned Advocate for the applicant and
Shri D.R.Patil, learned Presenting Officer for the
respondents, are present.

2. S.O. to 01-04-2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

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

2. S.O. to 08-03-2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri Shritej Surve learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondents and Shri S.A.Deshmukh, learned Advocate for respondent no.4, are present.

2. S.O. to 31-03-2022.

MEMBER (A)

MEMBER (J)

**O.A.NO.375/2020, 376/2020, 418/2020, 428/2020
AND 434/2020**

(Amol Naikwade & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri Shritej Surve learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 04-04-2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.420/2020
(Anish Patel Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri S.D.Dhongde, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 31-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.210/2021
(Lala Jadhavar Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **21.02.2022**

ORAL ORDER :

Shri S.T.Chalikwar, learned Advocate for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent and Shri A.D.Gadekar, learned Advocate for respondent nos.2 to 5 are present.

2. S.O. to 04-04-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.NO.222/2019 IN O.A.ST.NO.851/2019
(Namdeo Bawiskar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri B.G.Lathe, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 15-03-2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.380/2019 IN O.A.NO.290/2019
(Rajesh Tangade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri Shritej Surve learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondents and Shri A.D.Aghav learned Advocate for respondent no.2 in O.A.No.290/2019, are present.

2. S.O. to 04-04-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.268/2017, 269/2017,
270/2017 & 271/2017**

(Vishal Machave & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Ku. Anagha Pandit learned Advocate holding for Shri S.B.Talekar, learned Advocate for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 31-03-2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.55/2020
(Bhagwan Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Ku. Archana Bhange learned Advocate holding for Shri A.S.Bayas, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 31-03-2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 04-04-2022.

MEMBER (A)

MEMBER (J)

**T.A.NO.02/2016 IN W.P.NO.1209/2015
(Rucha Tandale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.02.2022

ORAL ORDER :

Shri A.V.Thombre learned Advocate holding for Shri S.S.Thombre, learned Advocate for the applicant and Shri M.A.Mahajan, learned Chief Presenting Officer for the respondents, Shri D.T.Devane learned Advocate holding for Shri M.B.Kolpe learned Advocate for respondent no.2 and Shri V.B.Wagh learned Advocate for respondent no.3, are present.

2. S.O. to 08-04-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.374/2019
(Dr. Mohammad Sharif Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.02.2022

ORAL ORDER :

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

2. S.O. to 08-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.398/2019
(Dr. Anilkumar Momale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.02.2022

ORAL ORDER :

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

2. S.O. to 08-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.263/2020
(Ravindra M. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.02.2022

ORAL ORDER :

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

2. S.O. to 30-03-2022.

MEMBER (A)

MEMBER (J)

**C.P.NO. 26/2021 IN O.A.NO. 834/2016
(Sandu P. Ukarde & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Ms. Archana Bhange, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has tendered across the bar the communication dated 17.2.2022 received from the Superintendent of Police, Aurangabad Rural and the same is taken on record. The learned counsel for the applicants has also placed on record a copy of the letter dated 31st May, 2021 written by the Superintendent of Police, Aurangabad Rural to the Director General of Police, Mumbai and the same is also taken on record.

3. Learned counsel for the applicants has sought time. Time granted.

4. S.O. to 31.3.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 71/2022 IN O.A.ST.NO. 1818/2021
(Laxman M. Misal & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1818 NO. 2021
(Laxman M. Misal & Ors. Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 9.3.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The respondents shall file affidavit in reply on or before the next date. S.O. to 9.3.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**M.A.NO. 72/2022 IN O.A.ST.NO. 1820/2021
(Ashok M. Jaybhaye & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1820 NO. 2021
(Ashok M. Jaybhaye & Ors. Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 9.3.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The respondents shall file affidavit in reply on or before the next date. S.O. to 9.3.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**M.A.NO. 73/2022 IN O.A.ST.NO. 1822/2021
(Nagesh N. Kharat & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1822 NO. 2021
(Nagesh N. Kharat & Anr. Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 9.3.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The respondents shall file affidavit in reply on or before the next date. S.O. to 9.3.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**M.A.NO. 74/2022 IN O.A.ST.NO. 1824/2021
(Ramdas B. Sanap & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1824 NO. 2021
(Ramdas B. Sanap & Ors. Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 9.3.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The respondents shall file affidavit in reply on or before the next date. S.O. to 9.3.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**M.A.NO. 75/2022 IN O.A.ST.NO. 1826/2021
(Ganesh V. Darade & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1826 NO. 2021
(Ganesh V. Darade & Ors. Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 9.3.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The respondents shall file affidavit in reply on or before the next date. S.O. to 9.3.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**M.A.NO. 76/2022 IN O.A.ST.NO. 1828/2021
(Sujoyot S. Bhandari & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1828 NO. 2021
(Sujoyot S. Bhandari & Anr. Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 9.3.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The respondents shall file affidavit in reply on or before the next date. S.O. to 9.3.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

O.A.NOS. 708 TO 712, 781, 782, 1052 TO 1055 ALL OF 2019

(Dr. Udaykumar T. Helkar & Ors. Vs. State of Maha. & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicants in all these cases, S/Shri V.R. Bhumkar, M.P. Gude & S.K. Shirse, learned Presenting Officers for the respondent authorities, Shri V.V. Bhavthankar, learned counsel for respondent No. 4 in O.A. No. 708/2019, Shri M.S. Shendge, learned counsel for respondent Nos. 3 & 4 in O.A. No. 711/2019 and Shri S.R. Dheple, learned counsel for respondent No. 3 in O.A. No. 781/2019, are present.

2. Affidavit in reply has already been filed in some of the cases. Perhaps respondents may adopt the same affidavit in reply in other cases.

3. List all the cases for hearing on 4.4.2022. In the meanwhile if the respondents so desire to file affidavit in reply, it would be open to them to file the same.

MEMBER (A)

MEMBER (J)

**M.A.NO. 81/2021 IN O.A.ST.NO. 253/2021
(Sahebrao Bhiku Chavhan Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. M.A. No. 81/2021 has been filed for condonation of delay of about 1 year and 10 months (665 days) occurred in filing Original Application.

3. After having considered the M.A. and affidavit in reply filed by respondent No. 3 thereto, it appears to us that delay of about 1 year and 10 months (665 days) occurred in filing Original Application has been properly explained and the applicant, therefore, needs to be given an opportunity to prosecute the O.A. on merits. Therefore, we are inclined to allow the present M.A. Hence the following order: -

ORDER

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 253 NO. 2021
(Sahebrao Bhiku Chavhan Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Issue notice to respondents, returnable on 29.3.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 29.3.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 26 OF 2019
(Vinod S. Muley Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri S.P. Deshmukh, learned counsel holding for Shri M.B. Bharaswadkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 174 OF 2021
(Shaikh Musa Shaikh Mohioddin Vs. State of
Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 30.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 422 OF 2020
(Nilesh R. Tagad & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri Sandeep D. Munde, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 3.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 425 OF 2020
(Sachin U. Shinde & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri H.A. Joshi, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri S.P. Deshmukh, learned counsel holding for Shri M.B. Bharaswadkar, learned counsel for respondent Nos. 5, 6 & 11, are present. None appears for other respondents.

2. At the request of learned counsel for the respondent Nos. 5, 6 & 11, S.O. to 8.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 1030 OF 2019
(Dr. Jaya P. Dighe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, Shri N.S. Choudhary, learned counsel for respondent No. 13, Shri A.B. Rajkar, learned counsel for respondent Nos. 12 & 14 and Shri Ganesh Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for respondent No. 15, are present.

2. S.O. to 30.3.2022.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel holding for Shri Suresh D. Dhongde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 21.2.2022-HDD

**M.A.NO. 295/2021 IN O.A.ST.NO. 1154/2021
(Mrunalini P. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted.

3. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 21.2.2022-HDD

**ORIGINAL APPLICATION NO. 473 OF 2021
(Manisha S. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri P.B. Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. List the matter for hearing on 5.4.2022. In the meanwhile if the applicant desires to file rejoinder affidavit, it would be open to him to file the same. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 440 OF 2021
(Waheeda F. Kazi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondent Nos. 1 & 4. Time granted.

3. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 790 OF 2021
(Gajanan B. Aundhekar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar 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 learned counsel for the applicant.

3. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

4. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 73 OF 2022
(Chakardhar P. Wadje Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 75 OF 2022
(Pankaj N. Khairkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO. 306/2021 IN O.A.ST.NO. 1305/2021
(Kiransingh A. Pal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted as a most last chance.

3. S.O. to 29.3.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 21.2.2022-HDD

**O.A.NOS. 682, 683 & 652 ALL OF 2009
(Dr. Veershetti G. Khelge & Ors. Vs. State of Maha. &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants in all these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, are present.

2. Learned Chief Presenting Officer has sought time. Time granted.
3. S.O. to 21.3.2022. High on board.

MEMBER (A)

MEMBER (J)

**O.A.NOS. 850 & 851 BOTH OF 2009
(Sudam T. Pophale & Anr. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants in both these cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both these cases, are present.

2. Learned Chief Presenting Officer has sought time. Time granted.
3. S.O. to 21.3.2022. High on board.

MEMBER (A)

MEMBER (J)

**O.A.NO. 122/2012 WITH O.A.NO.123/2012 WITH
T.A.2/2012 (W.P.NO. 9902/2011)
(Jalindar K. Rathod & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri S.S. Jadhavar & Shri A.L. Tikle, learned counsel for the respective applicants in respective cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, are present.

2. Learned Chief Presenting Officer has sought time. Time granted.
3. S.O. to 21.3.2022. High on board.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 363 OF 2010
(Dileep Waghoji Chaoure Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri Dilip Mutalik, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri D.T. Devane, learned counsel for respondent Nos. 3 & 4.

2. The present case be removed from the board. Either of the parties shall mention the present case as and when occasion arises.

MEMBER (A)

MEMBER (J)

M.A. NO. 521/2018 IN O.A. 818/2018
(Kishor S. Suradkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Heard Shri M.N. Kolhe, learned Counsel holding for Shri G.K. Muneshwar, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned counsel for the applicant, S.O. to 4.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 510/2021
(Rohidas A. Bhalsing Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri R.N. Bharaswadkar, learned Counsel holding for Smt. Priya R. Bharaswadkar, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 30.3.2022 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 42/2018
(Tukaram P. Bondre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Shri R.N. Bharaswadkar, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. At the request and by consent of both the parties, S.O. to 29.3.2022.

MEMBER (A)

MEMBER (J)

O.A. NOS. 779 AND 780/2019

(Dr. Shashikant S. Dange & Anr. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Counsel for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the matters, are present.

2. The learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 30.3.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 73/2020
(Rohit H. Kandharkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 21.2.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 31.3.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 224/2021
(Chandu M. Waghmare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri Sunil B. Jadhav, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Affidavit in reply on behalf of respondent no. 2 has already been filed on record. The learned Presenting Officer seeks time for filing affidavit in reply of the respondents except respondent no. 2. Time granted.

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 227/2021
(Surekha B. Andhale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora, Member (J)**
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **21.2.2022**

ORAL ORDER :

Shri Santosh S. Jadhavar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 454/2021
(Dipak L. Pendkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Ms. Megha Y. Mali, learned Counsel holding for Shri S.K. Mathpati, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 552/2021
(Jabbar D. Pinjari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri P.S. Anerao, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. Await service of notice upon the respondents.
3. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 785/2021
(Ashok N. Godbole Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri G.K. Muneshwar, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

**M.A. 176/2021 IN O.A. ST. 498/2021
(Pruthviraj S. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. The learned Presenting Officer seeks time for filing affidavit in reply of the respondents in the M.A. Time granted.

3. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

**M.A. 111/2021 IN O.A. ST. 439/2021
(Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned Counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos. 1 to 4 and Shri J.M. Murkute, learned Counsel for respondent nos. 35, 50, 58 & 59, are present. None appears for other respondents.

2. The learned Counsel for the applicants sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

**O.A. NO. 581/2018 WITH M.A. NO. 372/2018
(Vaishali Raju Barhate Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 21.2.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. When the present Original Application and the Misc. Application is taken up for consideration the learned Counsel for the applicant tendered across the bar the Government Resolution dated 4.9.2019. It is taken on record. It is the case of the applicant that on 10.7.2017 she has given option for transfer and absorption of her services to the Soil & Water Conservation Department from her parent department i.e. Irrigation Department. It is the contention of the learned Counsel that when the applicant exercised the option as above, she was unaware of the fact that she is likely to get promotion in her parent Department i.e. Irrigation Department. It is further contention of the learned Counsel that the moment when the applicant

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O.A. 581/2018 WITH M.A. 372/2018

came to know about that, she has taken all prompt steps to withdraw the consent given by her on 10.7.2017 with further request that she may be retained in her parent Department i.e. Irrigation Department. It is further contended by the learned Counsel for the applicant that though the option was exercised by the applicant, in fact, she continuously remained in her parent Department. The learned Counsel has also brought to our notice that on 6.10.2018 this Tribunal vide an interim order passed in the present M.A., has restrained her parent Department from relieving the applicant. In the circumstances even as on today also the applicant is working in her parent Department i.e. Irrigation Department.

3. The learned Counsel for the applicant has further brought to our notice that though the applicant was entitled for promotion and was also in the zone of consideration, her parent Department i.e. Irrigation Department has denied to consider her candidature for promotion on the ground that her services stood transferred to the Soil & Water Conservation Department. The learned Counsel submitted that in

view of the fact that she has withdrawn the option so given much before publication of the seniority list published by her parent Department of the candidates eligible for promotion to the post of Clerk out of Class-IV employees, there was no reason for not including the name of the present applicant in the said list more particularly when she at that time was also working in the said Department and was not relieved to join in Soil & Water Conservation Department.

4. The learned counsel for the applicant further submitted that in view of the G.R. dated 4.9.2019, the Soil & Water Conservation Department has now resolved that it would not permit any employee from the Irrigation Department to join the Soil & Water Conservation Department, who has earlier given option for the same, but in fact, has not joined. The learned Counsel submitted that though the applicant had given an option to join the Soil & Water Conservation Department, she did not join and continued to serve in Irrigation Department, and as such, now there is no scope for her to join in the Soil & Water Conservation Department in view of the aforesaid G.R.

5. After filing of the O.A. since seniority list was published and the remark as aforesaid was recorded in the said list, the applicant preferred the Misc. Application and prayed for setting aside the action on the part of the respondents of striking the name of the applicant from the seniority list prepared for granting promotions to Group-C posts from amongst the employees from Group-D post. The learned Counsel submitted that when the applicant was never relieved from the Irrigation Department, there was no reason for the respondents to keep her name out of consideration for granting promotions to the employees falling in Group-D category to Group-C post. The learned Counsel, therefore, prayed for allowing the Original Application as well as the Misc. Application.

6. The learned Chief Presenting Officer submitted that once the option was exercised, the applicant was estopped from seeking retention in the erstwhile department. The learned C.P.O. also submits that the option was given on 10.7.2017 and it remained in force at least for one year thereafter. In the circumstances, the applicant shall be deemed to have

been absorbed in the Soil & Water Conservation Department, and as such, the respondent i.e. the Irrigation Department has rightly declined to include the name of the applicant in the list of the candidates eligible for promotion to the post of Clerk out of Class-IV employees. He, therefore, prayed for dismissal of the present Misc. Application.

7. We have considered the submissions advanced by the learned Counsel for the applicant and the learned C.P.O. for the respondents. Few facts are relevant to be reiterated herein below :-

(i) The applicant was not relieved from her parent Department i.e. Irrigation Department and the said fact has not been denied or disputed by the said Department.

(ii) Before publication of the seniority list on 24.9.2018, the applicant had in writing communicated to her parent Department that she is withdrawing the option given by her. In the said letter she has stated that she was not knowing that she would fall in the zone of consideration in per parent Department for

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promotion to Class-III post and under wrong belief she has exercised the option on which she never acted upon.

(iii) In view of the G.R. dated 4.9.2019 now there is no scope for the absorption of the applicant in the Soil & Water Conservation Department from her parent Department i.e. Irrigation Department.

8. After having considered the contentions raised in the Original Application and the Misc. Application, as well as, the contentions raised in the affidavit in reply filed on behalf of the respondents, we have no hesitation in holding that the respondents should not have entered the remarks against the name of the applicant in the seniority list published by them for the purposes of carrying out the process of promotion to Group-C post from amongst the employees falling in Group-D to the effect that the applicant has exercised the option of absorption in Soil & Water Conservation Department, when she was not relieved from the Irrigation Department and continued to serve in the same Department even on the date of publication of

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the said seniority list. It is discernible that by entering such remark against the name of the applicant, the respondents impliedly declared that the applicant was not liable to be considered for her promotion for the aforesaid reason. It is the matter of record that vide order passed on 6.10.2018 in the Misc. Application, the order of relieving the applicant was stayed. The applicant thus continued to serve in the Irrigation Department. Now in view of the G.R. dated 4.9.2019, there is no scope for the absorption of the applicant in the Soil & Water Conservation Department. The applicant would thus continue to remain in the Irrigation Department. In the circumstances, we are inclined to accept the prayers made by the applicant in the Original Application & the Misc. Application.

9. While considering the present case and more particularly while going through the documents placed on record, it is noticed by us that the applicant is not the only candidate claiming the relief for her retention in the parent Department, but there are certain other employees also. It appears to us that the relief, which may be granted in favour of the present applicant, shall apply to all those employees, obviously as per

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their seniority in the cadre in the parent Department.
Hence, the following order :-

ORDER

(i) The option exercised by the applicant on 10.7.2017 for absorption in Soil & Water Conservation Department shall be deemed to have been revoked by the applicant and consequently the applicant shall remain on the establishment of Irrigation Department.

(ii) The remarks entered against the name of the applicant in the seniority list published as on 1.1.2018 i.e. Schedule (A) to the letter dated 14.9.2018 under the signature of Executive Engineer, Vigilance Squad, Irrigation Department, Aurangabad Circle, Aurangabad to the effect that the name of the applicant has been excluded for being giving an option of absorption in Soil & Water Conservation Department shall be struck-off.

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(iii) The respondents shall consider the applicant for promotion to Group-C post on the basis of her seniority and merit.

(iv) As observed by us in para 9 hereinabove, the relief granted in favour of the applicant shall be held to have granted to all those similarly situated employees and they need not to file any separate application. We further observe that the said employees shall also be considered for their promotion, obviously as per their seniority in the cadre in the parent Department.

(v) The Original Application and the Misc. Application stand allowed in the aforesaid terms with no order as to costs.

MEMBER (A)

MEMBER (J)