

ORIGINAL APPLICATION NO. 99/2018
(Shri Sanjay Ramrao Patange Vs. State of Maharashtra &
Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities.

2. The applicant entered into the Police services as a Constable and at the relevant time he was working as the Assistant Sub Inspector. It is the case of the applicant that on 19.6.2008 while attending Police parade on the parade ground as a routine exercise, he was injured and received the injury to his spinal cord. He was required to be hospitalized for 3 weeks and thereafter was advised bed rest for more than 3 months. Damage caused to his spinal cord was of serious nature and he was therefore rendered incapable for performing the regular parade as is required to be undergone by the police personnel. After getting cured when the applicant was referred to the Medical Board, the Medical Board issued certificate certifying him to have suffered 43% orthopedic disability. The certificate so issued in favour of the applicant by the Medical Board is filed on record. Subsequently also on occasions he applied for such

certificate. In the certificates issued on 13.6.2012, 29.8.2012, 11.10.2012 and 14.3.2013, his disability has been assessed to the extent of 43%.

3. In view of the aforesaid certificates the applicant was assigned a duty wherein excessive exercise was not required. The respondent no. 4 vide communication dated 19.8.2017 instructed the applicant to again undergo a medical examination. It is the grievance of the applicant that respondent no. 4 could not have asked the applicant to again undergo for a medical examination and get assessed the disability as on the said date in view of the fact that in the earlier disability certificates placed on record by the applicant it was expressly mentioned that the disability incurred by the applicant was of permanent nature and non-progressive. As such, it is the contention of the applicant that the directions given by respondent no. 4 vide communication dated 19.8.2017 and thereafter on 4.9.2017 were contrary to the law, as well as, beyond the authority of the said respondent in existence of the permanent disability certificate by the competent authority in favour of the applicant.

4. Aggrieved by the aforesaid communications the applicant has approached this Tribunal. In the

meanwhile period applicant was not allowed to perform any duty though salary was being regularly paid to him. It is the further grievance of the applicant that he was unnecessarily subjected to incur huge expenses in undergoing the tests and examinations directed to be done by respondent no. 4 more particularly the MRIs. It is the further contention of the applicant that sitting ideal in the office was felt by the applicant embarrassing and as such he had requested the concerned respondent for allowing him to perform his duties.

5. During the pendency of the present OA the applicant approached the office of Disability Commissioner and ventilated his grievance before the Disability Commissioner. The Disability Commissioner after having considered the case of the applicant and more particularly the certificates of the disability issued to the applicant by the competent authority directed the respondents to provide the applicant light duty and to provide the monetary benefits available for or prescribed for physically disabled candidates, as well as, the transport allowance. The learned Disability Commissioner passed the said order relying upon the universal disability certificate issued in favour of the applicant. In pursuance of the directions so given by the Disability Commissioner, the respondent no. 4 has

reinstated the applicant and has provided him light duty. The benefits like transport allowance, exemption from paying Professional Tax etc. payable to the disabled persons are made applicable to the applicant. Respondent no. 3 has accordingly submitted the report dated 9.5.2020 to the Disability Commissioner.

6. The respondent no. 4 thereafter passed the order on 30.10.2020 and thereby communicated to the applicant through his Office Head that the period of absence of the applicant from 19.8.2017 to 2.4.2018 i.e. of total 226 days will be treated as Earned Leave, as well as, Extraordinary Leave. Out of 226 days, the period from 19.8.2017 to 30.12.2017 i.e. total 132 days has been held as EL, whereas the period from 31.12.2017 to 2.4.2018 i.e. total 94 days as Extraordinary leave.

7. After receipt of aforesaid communication the applicant sought amendment in the present OA for bringing on record the aforesaid events, which have occurred during pendency of the present OA and also sought amendment in the prayer clause by adding 2 more prayers in the OA, first, seeking direction to reimburse the medical expenses and the another, seeking quashment of the communication / order dated 30.10.2020 issued by respondent no. 4. To the amended

portion there is no reply from the side of the respondents.

8. After having considered the facts, which have come on record and the arguments which are advanced by the learned counsel appearing for the parties, the first issue which falls for my consideration is 'whether the orders passed by respondent no. 4 on 19.8.2017 and 4.9.2017 can be sustained?'. In fact both the aforesaid orders are impliedly withdrawn by respondent no. 4 after receiving directions from the Disability Commissioner. The learned counsel for the applicant, however, is persuasive in submitting that the said orders must be declared to have been illegally passed in contravention of the guidelines issued by the Government from time to time. It is the contention of the learned counsel that the authorities concerned cannot claim that they were not aware about the existing guidelines, which bar the re-verification of the disability certificate once issued by the competent authority/board.

9. The applicant has filed on record all disability certificates, as well as, Government Circulars, which restrain the employer from insisting the persons with permanent disability to get said disability reassessed. The reference is made of the Government Circular dated 16.5.2009. I

deem it appropriate to reproduce herein below the clause no. 2 of the said Circular :-

“२. जिल्हा शल्य चिकित्सकांनी दिलेले अपंगत्वाचे वैद्यकीय प्रमाणपत्र हे सर्व शासकीय सोयी सवलतीसाठी ग्राह्य असून सदर प्रमाणपत्राची पडताळणी करण्याची आवश्यकता नाही. त्यामुळे जिल्हा शल्य चिकित्सकांनी दिलेले अपंगत्वाचे वैद्यकीय प्रमाणपत्राची पडताळणी करण्याचा आग्रह कोणत्याही प्राधिका-यांने करू नये. मात्र अपंग उमेदवारांना सेवेत नियुक्ती देण्यापूर्वी शासनाने नियुक्ती केलेल्या तज्ञ वैद्यकीय मंडळाने तो उमेदवार संबंधित पदावर काम करू शकेल असे प्रमाणपत्र दिल्यानंतरच त्यांची नियुक्ती करावी थोडक्यात संबंधित उमेदवारांची शारिरिक तपास ही करणे अनिवार्य राहिल. तथापि वैद्यकीय प्रमाणपत्राची पडताळणी करणे अभिप्रेत आहे.”

One more Circular has been relied upon by the applicant issued by the State Government on 6.10.2012. The subsequent Circular is issued by Public Health Department, whereas earlier Circular was issued by the Social Justice & Special Assistance Department. In the subsequent Circular also in many words it has been indicated that the person, who is holding disability certificate certifying his disability to be more than 40% and of permanent nature shall not be required to get it reassessed and produce the fresh certificate. The applicant has placed on record four disability certificates respectively of the dates 13.6.2012, 29.8.2012, 11.10.2012 & 14.3.2013, wherein the applicant's disability has been uniformly certified to the tune of 43%. The certificate dated 13.6.2012 & 29.8.2012 are issued by the Medical Board of the Government Medical

College and Hospital at Aurangabad. The applicant has also placed on record the disability certificate issued on 30.11.2019 by the department of Empowerment of Persons with Disability, Ministry of Social Justice Empowerment, Government of India, wherein also the applicant is certified to have incurred 43% permanent disability. In the certificate dated 29.8.2012 it has been specifically stated that the disability incurred by the applicant is non-progressive and not likely to improve. Similar averment is there in the certificate dated 14.3.2013.

10. The applicant has filed on record two Circulars. The Circular dated 16th May, 2009 issued by the Social Justice and Special Assistance Department expressly provides that there shall not be re-verification or re-assessment of the disability certificate issued by the competent authority and the medical examination before offering the appointment in the Government service is to be restricted only to the extent of ascertaining the ability of the said candidate to perform the duties of the post on which his appointment is to be made. The Circular dated 6.10.2012 issued by the Public Health Department of the State provides that the disability incurred by a person, if is certified to be of 'permanent nature', the certificate issued in that regard will be permanently

::-8-::

O.A. NO. 99/2018

valid. It is also provided in the said circular that in case the disability is certified of 'temporary nature' the same can be re-assessed after five years. In the communication dated 30.12.2019 the learned Disability Commissioner has specifically observed that the persons with disability holding the certificate of permanent disability shall not be subjected for re-examination time and again. In existence of the aforesaid Circulars and the disability certificates, direction given by respondent No. 4 requiring the applicant to again appear before the Medical Board of Government Medical College at Aurangabad has to be held unsustainable and consequently deserves to be set aside. Accordingly it is set aside and quashed.

11. Now, in regard to the prayers which have been made by amending the OA. At the outset it has to be stated that amendment though was allowed by the Tribunal, usual course which is being followed of giving opportunity to the respondents to submit the affidavit in reply to the amended portion if desired, does not seem to have been followed. The amended prayers are as follows :-

“(b-i) The order at Annexure ‘A-12’ issued by R-4 dated 30.10.2020, thereby directing to treat the period of 226 days spent during Medical Examination as Earned Leave for 132 days and Extra-Ordinary Leave for 94 days may kindly be

quashed and set aside, sequel to quashment of the impugned communication of R-4 dated 19.8.2017 and 4.9.2017 impugned in the O.A.”

12. The concrete material and evidence which is required to be there on record in support of the aforesaid prayer is not noticed by me. Statement is made that the applicant was not allowed to work from January, 2017 however it is not supported by any document. It is the contention of the applicant that during relevant period he was attending the office however, he was not allowed to perform duties. In their affidavit in reply the respondents have denied the said contention with further submission that applicant was performing regular duties and, therefore, he was paid salary of entire said period. It is matter of record that the aforesaid prayer was not made in the OA and has been incorporated by way of amendment. Cause of action for causing amendment and for inclusion of aforesaid additional prayer arose only after issuance of the order dated 30.10.2020.

13. It is the contention of the applicant that during the aforesaid period the applicant at his own did not willfully remain absent; on the contrary was attending the office but was not provided with work and, as such, said period cannot be termed as leave and in no case said

period can be adjusted towards earned leave to the extent of 132 days as 94 days extraordinary leave which may reduce the leaves which the applicant can enjoy in future or get it accumulated to get encashment. In the circumstances, prayer is made for setting aside the said orders also.

14. As I have stated earlier after the amendment was brought, the respondents were not called upon to submit their say to the said portion, the fact apart that the respondents did not express intention to submit reply. The record of the case show that after the amendment was carried out by the applicant, the matter was not posted for filing the affidavit in reply on behalf of the respondents to the contentions raised by the applicant by way of amendment and the additional prayers made in that context. In the circumstances, there is no authentic statement from the respondents in that regard to the contentions and the prayers incorporated by way of amendment. Further, there is nothing on record evidencing that after passing of the order dated 30.10.2020 any grievance was made by the applicant in that regard with the respondents by filing any written representation or even oral. During course of the argument also no such case is pleaded on behalf of the applicant. The applicant has not placed on record any

cogent evidence to substantiate his contention that in the relevant period he was not allowed to work though he was reporting for duty. As against it, in the affidavit in reply submitted on behalf of the respondents they not only have denied the aforesaid contention of the applicant but have further stated that the applicant was attending duty during relevant period and was also paid salary of the said period. There is no rejoinder to the aforesaid submission by the applicant. It is also however true that the respondents also have not placed on record the entire facts with supportive documents. In such circumstances it is very difficult to record any conclusion as about the prayer incorporated by the applicant by way of amendment. It appears to me that the applicant can be given opportunity to make a detailed representation as about the order passed on 30.10.2020 revealing his grievance about the same to the concerned authorities, which can be considered by the said authorities on the basis of the record available with them. Similarly from the record, it appears that, the applicant though has claimed the reimbursement of medical expenses incurred by him, no such request seems to have been made by him with the respondents. At least there is no such evidence on record. It cannot be presumed that the request so made was rejected by the respondents in absence of any cogent evidence

::-12-::

O.A. NO. 99/2018

therefor. In that regard also the applicant may submit the detailed representation with all supportive medical bills and that request also can be considered by the respondents on its merit and reimbursement to the permissible extent is possible.

15. For the reasons recorded above, the following order is passed :-

ORDER

(i) The orders dated 19.8.2017 and 4.9.2017 are quashed and set aside.

(ii) The applicant shall make a detailed representation about the order passed on 30.10.2020, as well as, about reimbursement of the medical expenses with the authorities concerned within 3 weeks from the date of this order and if such representation is made the authorities shall decide the same on its own merit within 4 weeks thereafter. If the applicant is found entitled for reimbursement, it be made within 4 weeks as well.

(iii) The present Original Application stands disposed of in above terms. No order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 538/2019
(Jawahar R. Bhoi Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Smt. Vidya Taksal, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 9.1.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

**ORIGINAL APPLICATION NO. 993/2019
(Deelip R. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri Vivek Pingle, learned counsel for the applicant, Shri MP Gude, learned Presenting Officer for the respondent authorities and Shri SB Mene, learned counsel for respondent nos. 2 & 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

**ORIGINAL APPLICATION NO. 994/2019
(Deelip Thorat Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri Vivek Pingle, learned counsel for the applicant, Shri MP Gude, learned Presenting Officer for the respondent authorities and Shri AS Reddy, learned counsel for respondent nos. 2 & 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.12.2022 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

ORIGINAL APPLICATION NO. 117/2021
(Sudhir Tambe Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri AS Khedkar, learned counsel holding for Shri AB Gaikwad, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. Matter be listed for hearing on 7.12.2022. In the meanwhile the respondents shall file reply to the amended portion of O.A. with copy to other side.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

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

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

DATE : 22.11.2022

ORAL ORDER :

Shri Sachin G. Joshi, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 20.12.2022 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

ORIGINAL APPLICATION NO. 516/2021
(Vishwasrao V. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri SG Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 7.12.2022 for filing affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

ORIGINAL APPLICATION NO. 593/2021
(Gajanan P. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri SG Kulkarni, learned counsel for the applicant, Shri DR Patil, learned Presenting Officer for the respondent authorities and Shri DT Devane, learned counsel for respondent nos. 2 & 3, are present.

2. Await service for respondent no. 4. The learned counsel for the applicant to take necessary steps regarding filing the service proof of respondent no. 4.

3. At the request of learned PO, S.O. to 9.1.2023 for filing affidavit in reply of the respondent nos. 1 to 3 & 5.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

ORIGINAL APPLICATION NO. 228/2022
(Dr. Saurabh P. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri DT Devane, learned counsel holding for Shri MB Kolpe, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 21.12.2022 for filing the affidavit in reply on behalf of the respondents to the amended OA.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

**ORIGINAL APPLICATION NO. 246/2022
(Dilip Y. Rupekar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri DK Dagadkhair, learned counsel for the applicant and Shri MS Mahajan, learned chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel, S.O. to 21.12.2022 for filing the rejoinder affidavit of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 285/2022
(Shashikant Guntootkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri ML Paithane, learned counsel holding for Shri MA Golegaonkar, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 22.12.2022 for filing the affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 516/2022
(Arun N. Pujari Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. At the request of learned counsel, S.O. to 22.12.2022 for filing the rejoinder affidavit of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 596/2022
(Kantabai B. Phad Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri Manoj U. Shelke, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. Await service.
3. S.O. to 19.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 598/2022
(Dilipkumar R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Smt. Shivraj V. Deshmukh, learned counsel for the applicant (**absent**). Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. The learned CPO has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 & 2. It is taken on record. The learned CPO undertook to supply copy of reply of respondent nos. 1 & 2 to the learned counsel for the applicant.

3. S.O. to 22.12.2022 for filing rejoinder affidavit, if any, by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 653/2022
(Mankha Gulab Tadvi Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri Manoj U. Shelke, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 19.12.2022 for filing the affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 733/2022
(Rahul R. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent no. 5. It is taken on record and copy thereof has been supplied to other side.

3. At the request of learned PO, SO to 19.12.2022 for filing the reply on behalf of respondent nos. 2 & 3.

4. At the request of learned PO, S.O. to 19.12.2022 for filing the affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 864/2022
(Gajanan Dandge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Smt. Vidya Taksal, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 9.1.2023 for filing the affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

**ORIGINAL APPLICATION NO. 903/2022
(Balaji Kharat Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Await service for res. no. 4.
3. S.O. to 9.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 913/2022
(Varsha Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. At the request of learned PO, S.O. to 16.12.2022 for filing the affidavit in reply on behalf of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

MA 54/2021 IN OA ST. 1020/2020
(Pramila Shendade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. At the request of learned counsel, as a last chance, S.O. to 12.12.2022 for filing the rejoinder affidavit of the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

**MA 403/2021 IN OA ST. 1539/2021
(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri RA Joshi, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

**MA 477/2022 IN OA 898/2019
(Babu K. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri KB Jadhav, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicant is intending to bring on record the subsequent events occurred during pendency of the present OA, which has nexus with the prayers made in the OA.

3. The learned PO submitted for passing appropriate orders.

4. In view of the fact that the events which occurred during pendency of the OA which are having nexus with the subject matter are intended to be brought on record by way of amendment, the present MA deserves to be allowed . It is accordingly allowed without any order as to costs. The necessary amendment be carried out within one week. It will be open for the respondents to file their affidavit in reply to the amended OA, if they have already filed their affidavit in reply.

VICE CHAIRMAN

O.A. NO. 799/2016
(Baburao R. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Shri DR Patil, learned PO is submits that the present matter is allotted to Shri BS Deokar, learned PO, however, today he is not available. Hence the adjournment is sought. As the present matter is of the year 2016, it shall be adjourned to 6.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

O.A. NO. 420/2019
(Raju Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Shri DR Patil, learned PO is submits that the present matter is allotted to Shri IS Thorat, learned PO, however, today he is not available. Hence the adjournment is sought. As the present matter is of the year 2019, it shall be adjourned to 8.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO. 41/2022
(Nagesh D. Harne & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. S.O. to 25.11.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

**ORIGINAL APPLICATION NO. 137/2020
(Lalit Pandule Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

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

2. S.O. to 29.11.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

ORIGINAL APPLICATION NO. 496/2020
(Mohd. Akif Abrar Mohd. Abdul Rauf Vs. State of
Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri AS Deshmukh, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.11.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

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

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

DATE : 22.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

ORIGINAL APPLICATION NO. 642/2022
(Gopal Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri AD Gadekar, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned PO has tendered across the bar the affidavit in reply on behalf of res. nos. 1 & 2. The same is taken on record and copy thereof has been supplied to other side.
3. S.O. to 5.1.2023 for fling rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDERS 22.11.2022

**ORIGINAL APPLICATION NO.167/2020 & 168/2020
(Premanand Dongare & Babanrao Zod
Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

Heard Shri A.M.Hajare, learned Counsel for the applicants, Shri V.R.Bhumkar and Shri M.P.Gude, learned Presenting Officers for the respondent authorities.

2. Grievance raised in the present matter is that annual increment which was due for both these applicants one day after their retirement i.e. on 01-07-2019, has not been granted to them. This issue is no more res-integra. I deem it appropriate to reproduce herein below para nos. 3 & 4 of the judgment delivered by the Hon'ble Bombay High Court, Bench at Aurangabad on 12.10.2022 in the case of **Shri Ramesh Eknath Suryawanshi and Others Vs. the State of Maharashtra through its Chief Secretary and Others, WP No. 10272/2022**, which read thus :-

“3. The issue raised is no longer res integra, having been concluded by the learned Division Bench of the Madras High Court, vide judgment dated 15.09.2017, in WP No.15732/2017, filed

by P.Ayyamperumal Vs. The Registrar, Central Administrative Tribunal and others, which judgment has been sustained by the Hon'ble Supreme Court, vide order dated 23.07.2018, in Special Leave Petition (Civil) Diary No.22283/2018. Even this Court has passed several orders granting such benefits, which have been sustained by the Hon'ble Supreme Court.

4. In view of the above, this petition is partly allowed. The petitioners are entitled to the notional addition of the last yearly increment for the purpose of calculating their pension, gratuity, earned leave, commutation benefits etc. In so far as arrears of the benefits are concerned, the petitioners would be entitled for the same for a period of three years, preceding the date of filing of this petition or as per actuals, whichever is less. Such arrears should be calculated and be paid to the petitioners, on or before 30.12.2022 .”

3. It is not in dispute that both the applicants have retired on attaining age of superannuation on 30-06-2019. Though the requests were made by these applicants to grant them the next increment which was due on 01-07-2019, that has not been granted.

4. The learned Presenting Officer fairly conceded that the judgments relied upon by the learned counsel

for the applicant are supporting the contentions raised and prayers made by the applicants in their respective OAs. The learned P.O. therefore submitted for passing appropriate orders.

5. It is not in dispute that both the applicants have retired after attaining the age of superannuation on 30th June, 2019. It is also not disputed that vide orders impugned in the respective OAs the respondents have refused the request made by the applicants for grant of next increment, which was due on the next day of their retirement.

6. In view of the law which now stands settled, both the applicants are entitled for such benefits. Hence, the following order:

ORDER

- (i) Both the O.As. stand allowed.
- (ii) The applicants are held entitled for increment due on 1st July 2019. It shall be reckoned with for the purpose of pension and gratuity and other retiral benefits subject to rider that the applicants would be entitled to arrears of monetary benefits for the period of

=4=

O.A.NO.167/2020 & 168/2020

three years only preceding the date of filing Original Applications.

(iii) The respondents are directed to make payment of arrears accordingly within three months from today and also to ensure that revised pension is paid accordingly.

(iv) No order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO.07/2022
(Shaikh Anwar Abdul Kadar Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. Applicant has prayed for following relief:

“A-1) To quash and set aside the impugned letter dated 14-01-2021 to the extent of informing the applicant that, gratuity cannot be paid till the decision of criminal proceeding.

B) To direct the respondents to pay the regular pension & amount of gratuity to the applicant forthwith.

C) To direct the respondents to pay the interest on the amount of gratuity and arrears of the regular pension from the date of retirement to till actual payments.

D) To direct the respondents to pay the benefits of the 7th pay commissions recommendations to the applicant.”

3. Grievance raised by the present applicant in the O.A. is that, on the ground that criminal appeal filed by the State before the Hon'ble Bombay High Court, against the order of acquittal recorded in favour of the applicant by the Special Judge, Ahmednagar in Special Case (ACB) No.04/2009, is pending, the Government has withheld the retiral benefits payable to the applicant. Applicant has, therefore, prayed for release of the said benefits.

4. In the affidavit in reply filed on behalf of the respondents, the only ground which has been taken is of pendency of criminal appeal filed by the State against the acquittal of the applicant.

5. It is not in dispute that the applicant who was working as Police Sub Inspector (PSI) retired on attaining age of superannuation on 31-10-2013. On the date of his retirement, a criminal case under Prevention of Corruption Act was pending against him. In the year 2013 itself, applicant came to be acquitted from the said offence by judgment and order dated 30-11-2013 passed by Special Judge, Ahmednagar in Special Case (ACB) No.04/2009. Against the order of acquittal, the State has

preferred a criminal appeal before the Hon'ble High Court in March 2014 and the same is pending.

6. After being acquitted by the Special Court, the applicant had made a representation dated 04-11-2020 praying for release of his retiral benefits. Disciplinary Authority i.e. respondent no.3 rejected the said representations vide order passed on 14-01-2021 on the ground that criminal appeal is pending.

7. It is no more res-integra that mere pendency of an appeal against the order of acquittal recorded in favour of the Government employee cannot be a reason for withholding the admissible retiral benefits payable to him. The Hon'ble Bombay High Court Bench at Aurangabad in W.P.No.6650/2020 in the case of **Ashfakali Khan Abdulali Khan V/s. State of Maharashtra & Ors.** decided on 25-10-2021 has held that merely on the ground that a criminal appeal is pending against the acquittal of the Government employee in criminal case filed against him, retiral benefits cannot be withheld. Hon'ble High Court in Writ Petition No.6650/2020 has held as under:

“1. We have considered the strenuous submissions of the learned Advocates for the respective sides. The learned Advocate for respondent Nos.2 and 3 and the learned AGP have vehemently opposed this petition and pray for it's dismissal. It is pointed out that though the petitioner has been acquitted for committing offences punishable under sections 7 and 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 vide judgment dated 19/07/2019 in Special Case (ACB) No.07/2007, a criminal appeal challenging such acquittal is pending in this Court.

2. The petitioner has put forth prayer clause B, C and D as under :-

"B. By Writ, order or directions the respondent No.2 and 3 may kindly be directed to fix final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of justice.

C. By writ, order or directions the respondent No.2 and 3 may kindly be directed to pay the difference of final regular pension deducting the amount paid to the petitioner by way of provisional pension from 01.07.2017 till the actual grant of regular pension as per 7th Pay Commission and to pay interest @ 12% on regular pension from 20.07.2019 till the grant

and payment of actual regular pension and for the payment of interest on the amount payable to the petitioner of gratuity from 01.07.2017 till the actual payment of gratuity in the interest of justice.

D. Pending hearing and final disposal of this Writ Petition the respondent No.2 and 3 may kindly be directed to fix the final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of Justice."

3. It is settled Law that gratuity cannot be forfeited unless the offence amounting to moral turpitude is proved to have been committed by the petitioner, u/s 4, 6(d)(2) of the Payment of Gratuity Act, 1972 and in the light of the judgment delivered by the Hon'ble Apex Court in the matter of Union Bank of India and others Vs.C.G.Ajay Babu and another [(2018) 9 SCC 529].

4. The learned Advocate for the Corporation submits that the provisional pension is being granted to the petitioner. He, however, cannot point out any provision under the MCS (Pension) Rules, 1982 that an appeal pending against acquittal would empower the employer to hold back regular pension.

5. In the light of the facts as recorded above and keeping in view that an appeal against

the acquittal is pending adjudication, the petitioner need not be made to suffer the rigours of litigation, though, we intend to pass an equitable order.

6. In view of the above, this petition is partly allowed in terms of prayer clause "B" with the following rider :-

[a] The petitioner shall tender an affidavit/undertaking to respondent No.3 Municipal Commissioner stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

[b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the date of the filing of such affidavit by the petitioner. "

8. The law laid down as aforesaid has been followed by this Tribunal in several matters decided hereinbefore. In the circumstances, present O.A.

deserves to be allowed and is accordingly allowed with the following order:

ORDER

[i] Impugned order dated 14-01-2021 is hereby quashed and set aside.

[ii] The applicant shall tender an affidavit/undertaking to respondents stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.

[iii] After such affidavit is filed satisfying the above stated ingredients, the respondents shall initiate steps for

=8=

O.A.NO.07/2022

remittance of admissible monetary benefits within 12 (twelve) weeks from the date of the filing of such affidavit by the applicant.

[iv] O.A. stands disposed of in aforesaid terms without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

**ORIGINAL APPLICATION NO.136/2021
(Laxmi N. Dhotre Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

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

2. Present O.A. is filed seeking interest from the respondents alleging that the delay has occurred in payment of amount of gratuity, pension and other retiral benefits without any fault on the part of the applicant. The applicant has endeavored for giving necessary particulars in the application.

3. Contentions so raised are denied by the respondents and from the contentions raised in the affidavit in reply filed on behalf of the respondents, it seems that service book of the deceased employee was not supplied to the department till 30-05-2017. It is the contention of the applicant that, original service book was very well within the possession of the department and hence the retiral benefits or all other monetary benefits must have

been calculated by the department and must have been paid within the stipulated period.

4. After having gone through the pleadings and documents filed on record in context with the provisions made in the Maharashtra Civil Services (Pension) Rules, 1982 and more particularly rule 129-A) and 129-B, it appears to me that sufficient particulars are not there on record on the basis of which this Tribunal may be in a position to record any concrete finding as to because of whom the delay has occurred in payment of payable benefits to the legal heirs of the deceased Government employee. In the circumstances, it appears to me that if a detail representation is directed to be submitted by the present applicants with the respondents and if the respondents consider the contentions raised therein and ascertain the correctness of the dates mentioned therein from office record, it can be certainly worked out as to how much delay had occurred in making the payments and whether any fault or error can be attributed on part of the applicant. It is brought to my notice by the learned Counsel for the applicant

that the applicant is now bed-ridden and in dire need of money as because huge expenses are required to be made on her medical treatment.

5. Considering all these facts, it appears to me that if the following order is passed it would meet the ends of justice:

ORDER

(i) The applicant shall make a detail representation with all particulars, more particularly, due date of payment and on the date of which the amounts are actually paid.

(ii) If such a representation is made within 15 days from the date of this order, respondents shall consider the said representation by ascertaining the facts mentioned therein and having regard to the provisions made in Rules, 129-A) and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982, take a decision on the said representation within 2 months after submission of the same and if the applicant is found entitled for the interest, such interest shall be remitted in favour of the applicant within 4 weeks thereafter.

=4=

O.A.NO.136/2021

(iii) It need not be stated that if the applicant is still aggrieved by the decision taken by the respondents, it would be open for the applicant to challenge the said decision by accepting the amounts, which according to the respondents are payable to the applicant.

(iv) O.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

**ORIGINAL APPLICATION NO.723/2021
(Amol Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

Heard Shri Amol N. Kakade, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities.

2. When the present matter was taken up for consideration, learned P.O. has sought a week's time to file affidavit in reply. Request is opposed by the learned Counsel for the applicant. Learned Counsel for the applicant brought to my notice the orders passed on 17-10-2022, 22-09-2022 and 22-08-2022. From the orders passed by this Tribunal, it is quite evident that the respondents were given due opportunities and sufficient time to file affidavit in reply. In spite of that, reply has not been filed.

3. In the previous order, when this Tribunal had directed the matter to be heard without reply of the respondents, in case, it is not filed on the given date, today it will be contrary to the order earlier passed to again grant time to the respondents for filing

=2=

O.A.NO.723/2021

affidavit in reply. In the circumstances, request is rejected. Parties are directed to advance their arguments in the matter.

4. Matter is heard for some time. Learned Counsel for the applicant prayed for adjournment till tomorrow to finally argue the matter. Granted.

5. S.O. to 23-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO.1009/2022
(Bapurao Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Only grievance raised in the present O.A. by the applicant is that the departmental appeal filed by him against the minor punishment imposed upon him as a result of departmental enquiry conducted against him has not been decided by the departmental appellate authority though period of more than 6 months has lapsed. In the circumstances, without going into the merits of the contentions raised in the O.A., it can be disposed of with following order:

ORDER

(i) The appellate authority shall decide the departmental appeal preferred by the applicant within 2 months from the date of this order.

(ii) O.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1018/2022
(Mangilal Shirsat Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 10-01-2023.

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

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

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

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

7. S.O. to 10-01-2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1025/2022
(Azizkhan Yusufkhan Pathan Vs. State of Maharashtra &
Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Heard Shri N.D.Sonavane, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 10-01-2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10-01-2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**M.A. FOR SPEAKING TO MINUTES IN
ORIGINAL APPLICATION NO.580/2022
(Ramhari G. Sontakke Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

Heard Shri K.G.Salunke, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant pointed out that on page 5 of the order, date has been incorrectly mentioned as 13-06-2016 whereas it should be 13-06-2017.

3. Correction be carried out in the order.

4. M.A. for speaking to minutes is disposed of.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO.932/2019
(Dr. Vijaykumar Sul Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Shri K.R.Doke, learned Counsel for the applicant is **absent**. Smt. M.S.Patni, learned Presenting Officer for the respondent authorities is present.

2. When the present matter is taken up for consideration, none is present for the applicant. On the previous date i.e. on 19-10-2022, none was present for the applicant. Prior to that i.e. on 15-09-2022 also nobody attended the present matter. It appears that the applicant has lost interest in prosecuting this matter further. Hence, the following order:

ORDER

O.A. stands dismissed for want of prosecution.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.386/2021
(Chandrashekhar Chopdar Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Shri Mayur Subhedar, learned Counsel holding
for Shri H.S.Bali, learned Counsel for the applicant
and Shri S.K.Shirse, learned Presenting Officer for
the respondent authorities, are present.

2. At the request of learned Counsel for the
applicant, S.O. to 15-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO.431/2021
(Sabirabi Harun Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Shri D.R.Irale Patil, learned Counsel for the applicant is **absent**. Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri H.P.Bondar, learned Counsel for respondent nos.3 to 6, are present.

2. S.O. to 03-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO.147/2022
(Bhaskar Nelte Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Shri J.B.Choudhary, learned Counsel for the applicant has filed **leave note** on record. Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities is present.

2. In view of leave note of learned Counsel for the applicant, S.O. to 09-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

**M.A.NO.197/2020 IN O.A.ST.NO.537/2020
(Ashok Johare Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

Shri A. M. Hajare, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. At the request of learned Counsel for the applicant, S.O. to 05-01-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

**O.A.NO.122/2020 WITH CAVEAT NO.06/2020
(Sandip P. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

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

Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities and Shri S.D.Dhongde, learned Counsel for respondent no.4, are present.

2. S.O. to 20-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO.137/2020
(Lalit Pandule Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 29-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

**ORIGINAL APPLICATION NO.233/2020
(Arun Ghate Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

Shri V.G.Pingle,, learned Counsel for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Counsel for respondent no.4, are present.

2. S.O. to 14-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

**ORIGINAL APPLICATION NO.496/2020
(Mohd. Akif Abrar Vs. State of Maharashtra & Ors.)**

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

DATE : 22-11-2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

ORIGINAL APPLICATION NO.753/2021
(Shankar Dhupe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22-11-2022

ORAL ORDER :

Shri P.V.Suryawanshi, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23-11-2022.

VICE CHAIRMAN

YUK ORAL ORDER 22.11.2022

**M.A.NO.493/2022 IN O.A.ST.NO.1786/2022
(Dnyaneshwar V. Parjane & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants and Shri S.K. Shirse, learned 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 of action is identical and the applicants have prayed for same relief, in order to avoid the multiplicity, leave to sue jointly is 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.1786 OF 2022
(Dnyaneshwar V. Parjane & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.12.2022.

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

7. S.O. to 23.12.2022.

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

MEMBER (A)

MEMBER (J)

M.A.NO.494/2022 IN O.A.ST.NO.1788/2022
(Yogesh A. Bangar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned 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 of action is identical and the applicants have prayed for same relief, in order to avoid the multiplicity, leave to sue jointly is 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.1788 OF 2022
(Yogesh A. Bangar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri M.S. Karad, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.12.2022.

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

7. S.O. to 23.12.2022.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 950 OF 2019
(Jayashri T. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned C.P.O., S.O. to 02.12.2022 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2019
(Devendra R. Dandgavhal & Ors. Vs. State of Maharashtra
& Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri Devendra R. Dandgavhal, applicant in person and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. At the request of the applicant, S.O. to 11.01.2023 for hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

O.A.NO.664/2021 WITH M.A.NO.77/ 2022
(Sanjay D. Gangawane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.
3. Learned C.P.O. for the respondents submits that he would file written notes of arguments during the course of the day.
4. S.O. to 01.12.2022. **High On Board.**

MEMBER (A)

MEMBER (J)

Later On:-

5. Learned C.P.O. for the respondents placed on record the copy of communication dated 21.11.2022 and seeks eight week's time.
6. S.O. to 01.12.2022.

MEMBER (A)

MEMBER (J)

**O.A.NOS. 162, 163, 164, 173, 174, 175, 176 AND
221 ALL OF 2019**

(Mahadev R. Powar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. At the request of the learned C.P.O., S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 455 OF 2019
(Mangal P. Musande & Ors. Vs. State of Maharashtra &
Ors.)

WITH

ORIGINAL APPLICATION NO. 446 OF 2019
(Smt. Shridevi G. Dama Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri Vishnu Dhoble, learned Advocate for the applicants in both the O.As. (**absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities in both the O.As. and Shri S.S. Jangada, learned Advocate holding for Shri Sachin Deshmukh, learned Advocate for the respondent Nos.3 & 4 in O.A.No.445/2019 and for respondent Nos.4 & 5 in O.A.No.446/2019.

2. In view of absence of learned Advocate for the applicant, S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

MISC. APPLICATION NO.480 OF 2022
(Sanjay K.Bhavsar & Ors. Vs. State of Maharashtra & Ors.)
WITH
MISC. APPLICATION NO.481 OF 2022
(Ajinath V.Khedkar & Ors. Vs. State of Maharashtra & Ors.)
IN
ORIGINAL APPLICATION NO.826 OF 2022
(Mujeebkhan Mehboobkhan Pathan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Mahesh S. Deshmukh, learned Advocate with Shri U.L. Momale, learned Advocate for the applicants in M.A.No.480 & 481 both of 2022, Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in O.A., Shri Ajay S. Deshpande, learned Advocate for the respondent No.5 in O.A., Shri D.R. Shelke, learned Advocate for the respondent No.6 in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 02.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

T.A.NO.1 OF 2019 (W.P.NO.11496/2019)
Caveat No. 66/2019 With Caveat Nos.68 & 69/2019
(Nilesh B. Dighe Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri S.S. Thombre, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri A.S. Deshukh, learned Advocate for Caveater in Caveat No.66/2019, Shri Sandeep D. Mune, learned Advocate for Caveatores in Caveat Nos.68 & 69/2019 and Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the respondent No.19.

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.1.

3. S.O. to 23.12.2022 for filing rejoinder affidavit by the applicant and also for filing affidavit in reply of remaining respondents.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1024 OF 2019
(Lata S. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri G.K. Kshirsagar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.
3. S.O. to 13.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 365 OF 2022
(Nilesh B. Dighe Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. This Original Application is filed seeking appointment to the applicant for the post of Psychiatric Nurse as per advertisement dated 21.02.2019 and revised on 28.01.2021 by the respondent No.2.

3. Learned Advocate for the applicant submits that the applicant has got an appointment for the said post and produced on record the copy of appointment letter dated 20.05.2022. It is taken on record and marked as document 'X' for the purpose of identification. In view of the same, the grievance of the applicant said to have been redressed.

4. In view of the above, the applicant seeks withdrawal of the Original Application. Permission is granted to withdraw the present Original Application.

5. Accordingly, the Original Application stands disposed of as withdraw. No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 641 OF 2021
(Nilesh V. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Amit Tandulkar, learned Advocate holding for Shri Gajanan Kadam, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is already filed on behalf of the respondent Nos.1 to 3.

3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.

4. S.O. to 23.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 790 OF 2019
(Gajanan K. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri V.G. Mete, learned Advocate for the applicant (**absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 23.12.2022 as a last chance for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 135 OF 2020
(Santosh V. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri Vinod M. Vibhute, learned Advocate for the applicant (**absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit in reply on behalf of the respondents.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 564 OF 2020
(Shantaram P. Patil & Ors. Vs. State of Maharashtra &
Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Smt. Sunita D. Shelke, learned Advocate for the respondent No.3, is **absent**.

2. At the request of the learned C.P.O., time is granted as a last chance for filing affidavit in reply on behalf of the respondent authorities.

3. S.O. to 16.01.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 61 OF 2021
(Shantilal H. Deore Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri Digambar B. Shinde, learned Advocate for the applicant (**absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 23.12.2022 as a last chance for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of the learned C.P.O., time is granted as a last chance for filing affidavit in reply.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 308 OF 2021
(Nita D. Magare Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 30.11.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 631 OF 2021
(Shamsundar K. Suryawanshi Vs. State of Maharashtra &
Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Vinesh C. Solshe, learned Advocate for the respondent Nos.2 & 3.

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

3. S.O. to 03.01.2023 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 663 OF 2021
(Kiran K. Komwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Smt. Priya R. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 15.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 713 OF 2021
(Yogesh C. Gupta & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri S.S. Dambe, learned Advocate for the applicants (**absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit in reply.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 722 OF 2021
(Ashok K. Bhalerao & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri Mahesh C. Swami, learned Advocate for the respondent Nos. 2 to 6, is **absent**.

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

3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.11.2022

ORAL ORDER :

Shri G.K. Muneshwar, learned Advocate for the applicant (**absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 03.01.2023 for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 819 OF 2021
(Laxman G. Lagad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 3 OF 2022
(Sunil S. Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is already filed on behalf of the respondent Nos.2 & 3.

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

4. S.O. to 23.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 64 OF 2022
(Bhimrao K. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit in reply.
3. S.O. to 02.01.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 109 OF 2022
(Vinod H. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Ms. Sharwari M. Deshpande, learned Advocate for the applicant (**absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service.

3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 261 OF 2022
(Dadarao U. Phule Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri V.R. Jain, learned Advocate for the applicant (**absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 293 OF 2022
(Adinath S. Ghanwat Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

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

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 301 OF 2022
(Dattaram U. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

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

3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 360 OF 2022
(Anil P. Khaladkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri S.B. Bhosale, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri V.P. Narwade, learned Advocate for the respondent Nos.4 & 5.

2. Affidavit in reply filed on behalf of the respondent Nos.4 & 5 is taken on record and copy thereof has been served on the other side.

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

4. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 422 OF 2022 WITH
CAVEAT No.8 OF 2022**

(Maroti K. Sable & Ors. Vs. State of Maharashtra & Ors.)

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

and

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.11.2022

ORAL ORDER :

Shri A.P. Avhad, learned Advocate for the applicant and Shri A.G. Ambetkar, learned Advocate for the Caveator, are **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent Nos.1 to 4 is taken on record.

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 489 OF 2022
(Dattatraya D. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Affidavit in reply filed on behalf of the respondent Nos.1,3 4 & 5 is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.12.2022 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 601 OF 2022
(Deepak U. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Present Officer for the respondents submits that affidavit in reply filed on behalf of the respondent Nos.1 to 3 in O.A. be treated as reply to the amended O.A.

3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.

4. S.O. to 23.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 774 OF 2022
(Angad R. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Rahul Shemre, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent Nos.1 to 3 is taken on record and copy thereof has been served on the other side.

3. S.O. to 02.12.2022 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 872 OF 2022
(Suresh C. Nargulla Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri M.L. Paithane, learned Advocate holding for Shri M.A. Golegaonkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service.

3. At the request of the learned Advocate for the applicant, S.O. to 13.12.2022 for taking necessary steps.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 194 OF 2022
(Alkesh B. Naglot Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned P.O for the respondents placed on record the copy of order dated 07.11.2022 issued by the respondent No.2, whereby the services of the applicant have been terminated holding him ineligible for appointment. It is taken on record and marked as document 'X' for the purpose of identification.

3. Learned P.O. for the respondents submits that in view of the subsequent development during pendency of the Original Application, nothing survives in the matter. In the circumstances, the respondents are allowed to file short affidavit placing on record the copy of order dated 07.11.2022 and raising relevant contentions, if any, having effect on the pending Original Application.

4. If any such affidavit in reply is filed, the applicant is allowed to file response. In the circumstances, the matter is made de-part heard and it be placed before the regular Single Bench.

5. S.O. to 07.12.2022.

MEMBER (J)

M.A.NO.503 OF 2022 IN O.A.NO.112 OF 2022
(The State of Maharashtra Vs. Bharat D. Raut)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in M.A. (Org. Respondent Nos.1 to 4 in O.A.), Ms. Anagha Pandit, learned Advocate for the respondent in M.A. (Org. Applicant in O.A.) and Shri A.S. Deshmukh, learned Advocate for the respondent No.5 in O.A.

2. At the request of the learned Advocate for the respondent in M.A. (Org. Applicant), S.O. to 23.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 939 OF 2019
(Dr. Yashwant S. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant has filed a **leave note**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.
3. In view of leave note of learned Advocate for the applicant, S.O. to 05.12.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 531 OF 2020
(Manik D. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The short affidavit filed on behalf of the respondent Nos.1 to 4 by the learned P.O. is taken on record and copy thereof has been served on the other side. The applicant is at liberty to file his response to the said short affidavit.

3. In the facts and circumstances, the matter is made de-part heard and it be placed before the regular Single Bench.

4. S.O. to 09.12.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 137 OF 2021
(Premnath G. Akangire Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.
3. S.O. to 09.12.2022 for final hearing.

MEMBER (J)

DATE : 22.11.2022

**M.A. No. 508/2022 in O.A. St. No. 1894/2022
(Eknath G. Myskar Vs. The State of Maharashtra & Ors.)**

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

1. Shri A.B. Rajkar, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on **23.12.2022**. The case be listed for admission hearing on **23.12.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 22.11.2022

ORIGINAL APPLICATION NO. 1045 OF 2022

(Rajendra V. Desale Vs. The State of Maharashtra & Ors.)

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

1. Shri N.S. Shah, learned Advocate for the applicant and Smt. S.K. Ghate-Deshmukh, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **21.12.2022**. The case be listed for admission hearing on **21.12.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 22.11.2022

ORIGINAL APPLICATION NO. 1038 OF 2022

(PrakashS. Jain Vs. The State of Maharashtra & Ors.)

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

1. Shri A.D. Sonar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **21.12.2022**. The case be listed for admission hearing on **21.12.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 22.11.2022

ORIGINAL APPLICATION NO. 1043 OF 2022

(Bhagubai J. Gangawane Vs. The State of Maharashtra & Ors.)

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

1. Smt. Priya Bharaswadkar, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **22.12.2022**. The case be listed for admission hearing on **22.12.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO. 675 OF 2019
(Eknath C. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Swapnil Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 11.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 760 OF 2019
(Vishnu B. Jaybhaye Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Swapnil Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 11.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 850 OF 2019
(Shrikant K. Madilwar Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri K.N. Farooqui, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 02.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1027 OF 2019
(Arjun D. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities. Shri Ajay D. Pawar, learned Advocate for respondent No. 3 (**Absent**).

2. S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 56 OF 2021
(Santosh S. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri V.C. Suradkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 02.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 59 OF 2021
(Baban S. Ramfale Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri V.C. Suradkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 02.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 247 OF 2021
(Ashok B. Dhokle Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**O.A. No. 463/2021 with M.A. No. 242/2021 in
O.A. No. 299/2019
(Payal P. Tathe & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicants in both the cases and Shri M.P. Gude, learned Presenting Officer for the respondents in both the cases.

2. At the request of learned Advocate for the applicants, S.O. to 05.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**O.A. Nos. 706/2021, 707/2021, 708/2021 & 709/2021
(Devendra B. Bacchav & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in all these O.As. and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in all these O.As. Shri H.D. Gaikwad, learned Advocate for respondent No. 3 in O.A. 707/2021 and respondent No. 4 in other O.As., **absent**. None present on behalf of respondent Nos. 5 to 9 in all these O.As., though duly served.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 1 to 3 in all these O.As. In spite of grant of opportunity, affidavit in reply is not filed on behalf of respondent No. 4 in all these O.As. Record further shows that the respondent Nos. 5 to 9 have duly served with the notices, however, they have not appeared and have not filed affidavit in reply on their behalf. Record further shows that rejoinder affidavit is filed to the affidavit in reply filed on behalf of respondent Nos. 1 to 3 in all these O.A.

8. Pleadings up to rejoinder are complete. The present matters are to the appointment as per the educational qualification. Hence, all these O.As. are admitted and it be fixed for final hearing on 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 90 OF 2022
(Dr. Pravin K. Munde Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri S.K. Chavan, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**M.A. No. 601/2019 in O.A. St. No. 2211/2019
(Maharashtra Raja Rekhachitra Shakha Karmchari
Sanghatna Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

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

2. S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 22.11.2022

**M.A. No. 345/2022 in O.A. No. 125/2019
(Uttam G. Shinde (Died) LRs. Lilawati U. Shinde Vs. State
of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri D.K. Dagadkhari, learned Advocate
for the applicant and Smt. Deepali S. Deshpande,
learned Presenting Officer for the respondents.

2. Second set not filed.
3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

M.A. No. 346/2022 in O.A. No. 127/2019
(Uttam G. Kshirsagar (Died) LRs. Sumanbai U. Kshirsagar
Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri D.K. Dagadkhari, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Second set not filed.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

M.A. No. 474/2022 in O.A. No. 354/2022
(Riyaj Mehmud Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Second set not filed.

3. S.O. to 13.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 22.11.2022

ORIGINAL APPLICATION NO. 146 OF 2016
(Rakesh A. Thakre Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri S.D. Kotkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that as per the order dated 20.07.2022 passed by this Tribunal in M.A. No. 310/2022 the applicant was allowed to amend the O.A. and a week's time was granted for carrying out the said amendment. But the said amendment is not carried out by the applicant in the present O.A.

3. Learned Advocate for the applicant seeks permission to carry out the necessary amendment in the O.A. forthwith.

4. In the interest of justice, the applicant is allowed to carry out the necessary amendment in the O.A. forthwith and to serve the amended copy of the O.A. on the other side.

5. The respondents are at liberty to file the affidavit in reply to the amended O.A.

6. S.O. to 16.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 01.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 134 OF 2016
(Madansing S. Rajput Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned Advocate for respondent No. 4.

2. S.O. to 05.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 314 OF 2016
(Mohd Majeed Mohd Farku Miyan Deshmukh Vs. State of
Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 05.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 362 OF 2016
(Pratap V. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri Y.P. Deshmukh, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 06.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2016
(Dhanraj R. Dhumare Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri B.R. Warama, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri Avinash Deshmukh, learned Advocate for respondent No. 5.

2. S.O. to 05.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 827 OF 2018
(Shailendra P. Sandanshiv Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri C.P. Patil, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri S.U. Chaudhary, learned Advocate for respondent No. 4, **absent**.

2. S.O. to 08.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 38 OF 2019
(Anant G. Munde Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for respondent Nos. 4 & 5.

2. Second Set not filed.
3. S.O. to 16.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 53 OF 2019
(Dilip R. Pande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicants, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned Advocate for respondent Nos. 4 to 9.

2. Second set not filed.
3. S.O. to 16.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 68 OF 2019
(Dr. Shripati K. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

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

3. S.O. to 08.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 71 OF 2019
(Anant N. Ballal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for respondent Nos. 5 to 9.

2. Second set not filed.
3. S.O. to 16.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 117 OF 2019
(Sainath K. Matkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri P.D. Jarare, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. S.O. to 08.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 141 OF 2019
(Dr. Pandharinath S. Gawali & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 208 OF 2019
(Bhaskar P. Dole & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri N.U. Yadav, learned Advocate for respondent No. 4.

2. S.O. to 13.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 211 OF 2019
(Pramod J. Jaygaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Learned Advocate Shri S.B. Mene, filed **VAKALATNAMA** on behalf of respondent No. 5. Same is taken on record.
3. Second set not filed.
4. S.O. to 16.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 260 OF 2019
(Mukund B. Jagtap Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 792 OF 2019
(Datta Prasad H. Galphade Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri P.D. Suryawanshi, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned Advocate for respondent No. 3.

2. S.O. to 14.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 15.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 435 OF 2020
(Ratikant R. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. S.O. to 16.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2021
(Muktyarsingh R. Theng Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. S.O. to 21.12.2022 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Record shows that notes of submissions are filed on behalf of the applicant on 06.09.2022. In our opinion, the response in writing to the said notes of submissions is necessary to adjudicate the matter effectively.

3. Hence, the respondents are directed to file the appropriate response to the same by the next date of hearing.

4. Learned Presenting Officer is directed to communicate this order to the concerned respondent/s immediately.

5. S.O. to 06.12.2022.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri U.L. Momale, learned Advocate for respondent Nos. 4 to 24.

2. Learned Advocate for the applicants during the course of arguments submitted that the respondent No. 4 i.e. Mr. Santosh R. Bhosale has filed proceedings before the Hon'ble Supreme Court challenging the interim order of the Hon'ble High Court dated 06.09.2022 passed in 931 W.P. No. 906/2022 and he placed on record the diary record of the said proceedings bearing No. 36917/17.

3. Learned Advocate for the respondent Nos. 4 to 24 submitted that he has to verify the contentions raised on behalf of the applicants.

4. S.O. to 23.11.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 223 OF 2020
(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1006 OF 2022
(Pravin B. Pote Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that during the course of the day service affidavit would be filed.

3. S.O. to 23.11.2022 for passing necessary order on the point of interim relief.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1023 OF 2022
(Suraj R. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. S.O. to 23.11.2022 for passing necessary order on the point of interim relief.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 147 OF 2022
(Bhaskar Devidas Nalte Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant has filed leave note. Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 9.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION ST. NO. 1148 OF 2021
(Manorajan M. Gatkal Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri Sunil Nimbalkar, learned counsel holding for Shri Amol S. Gandhi, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 17.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

M.A.NO. 71/2020 IN O.A.ST.NO. 2465/2019
(Sujata Rajendra Puri Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri D.R. Jayabhar, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 11.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 30 OF 2021
(Kedarnath R. Budhwant Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 29.11.2022. The present case be treated as part heard.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 51 OF 2021
(Devidas Fattasing Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri Amit S. Savale, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.12.2022.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 70 OF 2022
(Ramkisan Karbhari Mante Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 24.11.2022.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 71 OF 2022
(Sampat Dayaram Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 24.11.2022.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 72 OF 2022
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 24.11.2022.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 1001 OF 2022
(Dr. Kanchan N. Wanere Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.S. Deshmukh, learned counsel for respondent No. 4, are present.

2. Learned counsel for the applicant has tendered across the bar rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. By consent of both the parties, S.O. to 24.11.2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 17 OF 2021
(Parashram S. Khetre Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Smt. Vidya Taksal, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the parties, S.O. to 12.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 321 OF 2021
(Dr. Pramod U. Wawdhane Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Shri S.V. Kurundkar, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer appearing for the respondent authorities and Shri Ashish B. Sinde, learned counsel for respondent No. 4, are present.

2. By consent of both the parties, S.O. to 18.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 1073 OF 2019
(Abdul Jabbar Abdul Rahim Shaikh & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 19.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 358 OF 2022
(Kiran Vitthal Jagdale Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri Amol N. Kakade, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. S.O. to 23.11.2022.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 190 OF 2019
(Dr. Chandrakant B. Lamture Vs. State of Maha. & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 12.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 539 OF 2019
(Amol P. Awchar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 19.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 907 OF 2019
(Dr. Namdeo V. Korde Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri C.V. Dharurkar, learned counsel for respondent No. 6, are present.

2. By consent of both the parties, S.O. to 3.1.2023.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 1026 OF 2019
(Keshav M. Soundarmal Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. By consent of both the parties, S.O. to 19.12.2022.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

**ORIGINAL APPLICATION NO. 506 OF 2022
(Mangala Vilas Donde & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.11.2022

ORAL ORDER :

Shri Amit S. Savale, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the parties, S.O. to 23.11.2022.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 843 OF 2022
(Krishna E. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 and Shri S.D. Joshi, learned counsel for respondent No. 4.

2. The present matter was heard on the previous date for some time. It was transpired that the original record may be looked into. Learned P.O. was, therefore, directed to place on record the relevant record. Accordingly, the same is produced on record. I have gone through the said record. The grievance of the applicant in the present matter is based on two aspects that it is mid-term transfer without following the norms laid down for such transfer and second is that without giving him posting, respondent No. 4 has been transferred at his place and the said respondent had attempted to take charge from the present applicant.

3. The Tribunal after having heard learned counsel appearing for the applicant and after having

gone through the documents which were placed at that time before it has passed an order thereby directing the respondents to keep charge with the applicant until further orders from this Tribunal. This order was passed on 21.9.2022. Though the period of more than 3 months has lapsed thereafter the Government has not yet issued any order in favour of the present applicant giving him posting. Resultantly, he has continued with the charge of the existing post and respondent No. 4 is awaiting for further orders so that he can take such charge, if such orders are passed.

4. What is revealed from the record and which has also been fairly brought to the notice of the Tribunal by the learned counsel appearing for the applicant that the applicant has completed his regular tenure on the existing post and further that he was continued on the said post for one more year after completing the said period. In the circumstances, it appears to me that first grievance of the applicant is that without giving him any substantial posting, respondent No. 4 has been transferred at his place. It is thus evident that had the respondents given the posting to the applicant

in the meanwhile period after filing of the present application at least his second ground would have been considered. But that has not been done by the State. However from the record, which has been produced, it can be reasonably inferred that such proposal is under consideration and the concern file is for approval before the competent authority.

5. In the circumstances, I deem it appropriate to adjourn the present matter by two more weeks. In the meanwhile if the order of applicant's posting is issued by the respondents his challenge on the count that without issuing transfer order in his favour somebody else has been transferred in his place would to that extent become redundant. However, another ground raised by him will be certainly open and will have to be considered. Whether to continue interim relief will be however, first considered by the Tribunal on the next date, if the posting is given to the present applicant.

6. In the above circumstances, matter stands adjourned to 7.12.2022. Steno copy be given to both the parties.

:: - 4 - ::

O.A. NO. 843/2022

7. Original record can be returned to the learned Chief Presenting Officer. Xerox copies of the said original record are already there on record.

8. S.O. to 7.12.2022. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD

ORIGINAL APPLICATION NO. 68 OF 2022
(Laxman Shankarrao Kolhe Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

ORAL ORDER :

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

2. Before advertng to the grievance raised by the applicant it would be necessary to state few facts, which may be relevant for deciding the dispute raised in the present Original Application.

3. The applicant entered into the Government service on the post of Junior Engineer in the year 1972. He was promoted to the post of Deputy Engineer in the year 1978 and till his retirement he worked on the same post. He retired on attaining the age of superannuation on 29.2.2004. On the day he retired from the Government service, criminal prosecution was pending against him. Criminal prosecution under Sections 409, 420 & 465 r/w Section 34 of IPC was commenced against the applicant and 12 others. FIR in that regard was filed in the year 1997 and the charge-sheet came to be filed in the year 2002.

Supplementary charge-sheet came to be filed in the year 2006. The charges which are leveled in the said prosecution pertain to the illegalities occurred during the period between 1983 and 1986. Though the supplementary charge-sheet was filed in the year 2006 the trial in the said criminal case has not yet been commenced and is still pending at the very initial stage. As has been informed by the learned counsel appearing for the applicant the charge-sheet was filed in the Court of JMFC, Yeola. However, subsequently the same has been transferred to the Sessions Court, some of the charges being tried by the Court of Sessions and in the Sessions Court it has now been numbered as Regular Criminal Case No. 276/2016. The applicant is at present 76 years old.

4. Learned counsel appearing for the applicant submitted that many of co-accused with the applicant in the aforesaid criminal case have been provided with the regular pension and all retiral benefits. After having come to know that co-accused have been extended with the retiral benefits the applicant preferred representation with the respondents praying for the similar treatment to him and to accordingly release full pension in his favour and to remit other

retiral benefits like gratuity etc. However, no response is received to the said representation. Learned counsel submitted that the applicant has, therefore, approached this Tribunal with the prayer that the respondents be directed to release regular pension in his favour and remit all retiral benefits like gratuity etc. as has been done in the cases of co-accused with the applicant in the aforesaid criminal case.

5. Shri Avinash Deshmukh, learned counsel appearing for the applicant took me through the relevant documents filed on record, which support the averments raised in the application and submitted that the applicant expects to be given the same treatment as has been given to the co-accused, who are co-employees of the applicant or else it would amount to discrimination, which is violative of Article 14 of the Constitution of India.

6. The request so made in the application has been opposed by the respondents. In the affidavit in reply it has been contended by the respondents that after having come to know the fact that co-accused and the co-employees with the applicant have been granted all retiral benefits in spite of criminal case pending against

them, as alleged by the applicant, the respondents have started taking corrective measures in that regard. Learned Presenting Officer has, therefore, prayed for rejecting the present Original Application.

7. I may not indulge in making any more discussion though the facts which are stated by the applicant in the present Original Application have not been disputed by the respondents. Though it may be a fact that the persons who are having similar allegations against them and who are also accused in the criminal case in which the applicant is also an accused and the same charges are against all of them and in spite of that the said accused persons have been extended the retiral benefits in full, it may not be possible to pass any order as has been prayed by the applicant in the present Original Application claiming or invoking the principle of parity for the reason that there cannot be equality in illegality committed. In the circumstances, there is no other option except to dismiss the O.A. It is accordingly dismissed. No order as to costs.

VICE CHAIRMAN

M.A.183/20 IN O.A.ST.477/20 WITH M.A.184/20 IN O.A.ST.479/20 WITH M.A.185/20 IN O.A.ST.481/20 WITH M.A. 186/20 IN O.A.ST.483/20 WITH M.A.187/20 IN O.A.ST.485/20 WITH M.A. 188/20 IN O.A.ST.487/20 IN M.A. 189/20 IN O.A.ST.489/20 WITH M.A. 190/20 IN O.A.ST. 491/20 WITH M.A. 191/20 IN O.A.ST.493/20 WITH M.A. 192/20 IN O.A.ST.NO. 495/20 WITH M.A.207/20 IN O.A.ST.NO. 497/20

(Sudhir N. Deulgaonkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.11.2022

COMMON ORAL ORDER :

Heard Shri A.M. Hajare, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in all these cases.

2. All these accompanying Original Applications are filed seeking the benefit of one increment which fell due in favour of all these applicants on the very next day of their retirement. All these applicants retired on attaining age of superannuation on 30th June of respective year of their retirement. Since some delay has occasioned by the applicants in filing accompanying OAs, they have filed the present MAs seeking condonation of delay. Learned counsel appearing for the applicants submitted that the law on the subject matter become settled some times in the year 2018 when the Hon'ble Supreme Court

**:: - 2 - :: M.A.183/20 IN O.A.ST.477/20
& Group.**

ultimately dismissed the SLP filed against the decisions of the Hon'ble High Courts. Learned counsel submitted that in the present matters some applicants have retired in the year 2018, some in the year 2016 and one applicant has retired in the year 2010 and the maximum delay can be said to have occurred in his matter in approaching this Tribunal by him. Learned counsel pointed out that the Principal Seat of this Tribunal at Mumbai has however, considered the matters of the applicants, who had retired in the year 2010 and claimed the relief of one increment as has been claimed by the present applicants in the year 2022. Learned counsel has tendered the copy of the order passed in O.A. No. 1049/2022 and invited my attention to the observations made by the Tribunal in paragraph No. 15 of the said order. Learned counsel further submitted that the delay cannot be termed as intentional or for mala fide reason. In the circumstances, according to the learned counsel, the applicants must be given an opportunity to prosecute their OAs on merits. He, therefore, prayed for allowing all these applications.

3. Learned Presenting Officer has opposed for condoning delay stating that the huge delay which is occasioned in approaching the Tribunal by these applicants has not been properly explained by them. Learned P.O. submitted that without there being any just and sufficient cause, such huge delay cannot be condoned. He, therefore, prayed for rejection of all these applications.

4. I have carefully considered the submissions advanced on behalf of the applicants, as well as, learned Presenting Officer appearing for the respondents. I have also gone through the contents of the accompanying O.A. and the documents placed on record by the applicants. The delay occasioned in the present matters is of the period, more than 3 years and in one matter the delay can be said to be of about 9 years.

5. The only relief claimed by the applicants in their respective OAs is that the increment which fell due one day after their retirement i.e. on 1st July of their respective year of retirement be granted to

**:: - 4 - :: M.A.183/20 IN O.A.ST.477/20
& Group.**

them. It appears that all these applicants have retired on 30th June of their respective year of retirement. The issue whether such employees can be held entitled for the increment falling due one day after their retirement i.e. on 1st July of the respective year of their retirement has been recently settled. It is obvious that the employees who had retired on 30th June have started asserting the right of increment thereafter. In the cases of similarly situated candidates, the Principal Bench of this Tribunal has condoned the delay holding that sufficient grounds are made out for condoning the delay. In the present matters also the applicants have satisfactorily explained the delay. I am, therefore, inclined to allow all these applications. Hence, the following order: -

ORDER

All these MAs are allowed. Delay caused in filing accompanying OAs in the respective matters is condoned. Accompanying OAs be registered in accordance with law. There shall be no order as to costs.

VICE CHAIRMAN

**O.A.ST. NOS. 477, 479, 481, 483, 485, 487, 489, 491, 493, 495 AND 497 ALL OF 2020
(Sudhir N. Deulgaonkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.11.2022

COMMON ORAL ORDER :

Heard Shri A.M. Hajare, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities in all these cases.

2. After registration of the present OAs issue notices to respondents, returnable on 19.1.2023.

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

**:: - 2 - :: O.A.ST. NOS. 477, 479, 481,
483, 485, 487, 489, 491, 493,
495 AND 497 ALL OF 2020**

(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 19.1.2023.

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

VICE CHAIRMAN

ORAL ORDERS 22.11.2022-HDD