

ORIGINAL APPLICATION NO. 712/2021
(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO. 190 OF 2017
(Dattatraya J. Zombade Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

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

3. S.O. to 10.01.2023. **High On Board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

ORIGINAL APPLICATION NO. 768 OF 2019
(Balasaheb T. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned Advocate for the applicant has filed a **leave note**. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. S.O. to 10.01.2023 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

**M.A.NO.542/2022 WITH M.A.NO. 261/2022 WITH
M.A.NO. 257/2022 IN O.A.NO. 447/2022
(Dr. Shivshakti D. Pawar & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant in M.A.No. 542/2022, Shri Mohit Deshmukh, learned Advocate for the applicants in O.A.No. 447/2022 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

Shri R.R. Kale/S.B. Bhosale, learned Advocate for the applicant in M.A.No. 261/2022 & M.A.No.257/2022, is **absent**.

2. S.O. to 09.01.2023 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 443 OF 2018
(Jagannath W. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri M.R. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. The present matter has already been treated as part heard.
3. Written notes of argument filed on behalf of the respondent Nos.1 to 4 is taken on record.
4. S.O. to 12.01.2023. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 171 OF 2019
(Dr. Vaishali R. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri B.N. Gadegaonkar, learned Advocate for the respondent No.4, are present.

2. The present matter has already been treated as part heard.
3. S.O. to 12.01.2023. **High On Board.**

MEMBER (A)

MEMBER (J)

C.P.NO. 11/2022 IN O.A.NO. 621/2017
(Shivnanda B. Darade Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant has filed a **leave note**. Shri S.K. Shrise, learned Presenting Officer for the respondents, is present.

2. S.O. to 16.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

C.P.NO. 22/2022 IN O.A.NO. 25/2021
(Shankar P. Dange Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri A.W. Khadse, learned Advocate holding for
Shri R.J. Nirmal, learned Advocate for the applicant
and Shri M.S. Mahajan, learned Chief Presenting
Officer for the respondents, are present.

2. S.O. to 30.01.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

**ORIGINAL APPLICATION NO. 586 OF 2012
(Bharat M. Bhosale Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri Sudhir Patil, learned Advocate for the applicant has filed a **leave note**. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. S.O. to 02.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 256 OF 2018
(Avinash P. Chandra & Ors. Vs. State of Maharashtra &
Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

None present on behalf of the applicant.

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

2. It is reported that Shri S.G. Chapalgaonkar, learned Counsel is now elevated as the Judge of the Hon'ble Bombay High Court. In view of that, the Registrar of the Tribunal to issue *sue moto* notice to the applicant directing him to engage another Advocate for conducting his matter.

3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 387 OF 2018
(Pramod V. Gite Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned Advocate holding for Shri R.D. Khadap, learned Advocate for the respondent No.5, are present.

2. Affidavit in reply filed on behalf of the respondent No.5 is taken on record and copy thereof has been served on the other sides.

3. S.O. to 03.02.2023 for hearing. The applicant is at liberty to file affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 768 OF 2018
(Vijaykumar V. Giri & Ors. Vs. State of Maharashtra &
Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri A.V. Thombre, learned Advocate holding
for Shri S.S. Thombre, learned Advocate for the
applicants and Shri N.U. Yadav, learned Presenting
Officer for the respondents, are present.

2. S.O. to 03.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 262 OF 2019
(Vijay U. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

Shri V.M. Chate, learned Advocate for the respondent No.5, is **absent**.

2. S.O. to 06.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

**O.A.NO. 304/2019 WITH O.A.NO. 305/2019
(Pandharinath M. Ahire & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri Harish S. Bali, learned Advocate for the applicants in both the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the O.As., are present.

2. S.O. to 02.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

ORIGINAL APPLICATION NO. 372 OF 2019
(Dr. Sanjay V. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri A.S. Deshmukh, learned Advocate for the applicant has filed a **leave note**. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

ORIGINAL APPLICATION NO. 917 OF 2019
(Ashok D. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

None present on behalf of the applicant.

Shri M.P. Gude, learned Presenting Officer for
the respondents, is present.

2. S.O. to 06.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 944 OF 2019
(Dr. Anita A. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

2. S.O. to 07.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

**ORIGINAL APPLICATION NO. 1069 OF 2019
(Prabhakar M. Kathar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.G. Pingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 01.02.2023. Hearing of this O.A. is expedited.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 100 OF 2020
(Ashok R. Jagdhane Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

None present on behalf of the applicant.

Shri D.R. Patil, learned Presenting Officer for
the respondents, is present.

2. S.O. to 07.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 521 OF 2020
(Laxman B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 06.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 41 OF 2021
(Bharat B. Sangle Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.R. Kedar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. The present matter be treated as part heard.
3. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 77 OF 2021
(Vishvanath H. Mahindrakar & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicants has filed a **leave note**. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. S.O. to 23.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 108 OF 2021
(Chhaya D. Saste @ Chhaya V. Kale & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.P. Salgar, learned Advocate holding for Shri Nitin V. Gaware, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

Shri Amol S. Sawant, learned Advocate for the respondent No.10 and Shri D.R. Adhav, learned Advocate for the respondent Nos.5 to 9, are **absent**.

2. S.O. to 07.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 335 OF 2021
(Dyaneshwar B. Bulbule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Kailas B. Bhise, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 24.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

ORIGINAL APPLICATION NO. 685 OF 2021
(Amol V. Chate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.D. Munde, learned Advocate for the applicants, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, is present.

2. S.O. to 07.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 807 OF 2021
(Sahebrao J. Ghadge Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. At the request of the learned Advocate for the applicant, time is granted for filing affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent No.4.

3. S.O. to 02.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 47 OF 2022
(Sanjay V. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Affidavit in reply filed on behalf of the respondent No.3 is taken on record.
3. S.O. to 07.02.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 306 OF 2022
(Papindersingh S. Sandhu (Pujari) Vs. State of Maharashtra
& Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Amit A. Mukhedkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 23.01.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 485 OF 2022
(Jaspalsingh B. Kalon Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri A.A. Mukhedkar, learned Advocate for the applicant and Smt. Sanjivanai K. Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 23.01.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2022
(Balu N. Bhosale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.S. Dambe, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri D.B. Gaikwad, learned Advocate for the respondent No.2 and Shri Sayyed Tauseef Yaseen, learned Advocate for the intervenors/respondent Nos.4 to 10, are present.

2. Affidavit in reply filed on behalf of the respondent No.2 is taken on record and copy thereof has been served on the other sides.

3. Liberty is granted to the Applicant and other respondents to file any response on or before 11.01.2023.

4. S.O. to 11.01.2023. Hearing of this is expedited. **High On Board.**

5. Interim relief granted to continue till then.

MEMBER (A)

MEMBER (J)

**M.A.NO. 362/2019 IN O.A.ST.NO. 1539/2019
(Prakash W. Bhamre Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri Harish S. Bali, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 22.02.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

M.A.NO. 518/2022 IN O.A.NO. 884/2022
(The Maharashtra Public Service Commission, Through its
Secretary Vs. Dr. Piyusha U. Naragude)

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

DATE : 22.12.2022

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate for the applicant in M.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.S. Dambe, learned Advocate for the applicant in O.A.No.884/2022 (respondent No.1 in M.A), are present.

2. Affidavit in reply filed on behalf of the respondent Nos.1 & 2 in O.A.No.884/2022 is taken on record and copy thereof has been served on the other sides.

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

4. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO. 201/2021 With M.A.NO. 159/2021 IN
O.A.NO. 115/2018
(Nagnath G. Savant & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Ajay Deshpande, learned Advocate for the respondent No.3 in O.A.No. 115/2018, are present.

2. S.O. to 31.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 22.12.2022

**M.A.NO. 526/2022 IN M.A.NO. 385/2022 IN
O.A.ST.NO. 1402/2022
(Subhash R. Mahajan Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

Smt. Sunita D. Shelke, learned Advocate for the respondent No.4 in M.A.No.385/2022 and Shri Yogesh Patil, learned Advocate for the respondent No.3 in M.A.No. 385/2022, are **absent**.

2. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.874/2019
(Sahedabegam Shaikh Younis Vs. State of Maharashtra &
Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri Sanjay Kolhare, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant tenders rejoinder affidavit. Same is taken on record. Copy is given to other side.

3. S.O. to 09-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**ORIGINAL APPLICATION NO.482/2022
(Ganesh Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

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

2. At the request of learned Counsel for the applicant, S.O. to 31-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

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

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

DATE : 22-12-2022

ORAL ORDER :

Shri M.L.Paithane, learned Counsel holding for Shri M.A.Golegankar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned P.O. last chance is granted to file affidavit in reply on behalf of the respondents.

3. S.O. to 02-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.734/2022
(Shrimant Murkute Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri O.D.Mane, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that he has tendered affidavit in reply on behalf of the respondents. Same is taken on record Copy thereof is given to other side. In the meanwhile, it is open for the applicant to file rejoinder, if he so desires.

3. S.O. to 10-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.744/2022
(Kapil Chavhan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Mr. P.P.Phadnis, learned Counsel holding for Ms. Neha B. Kamble, learned Counsel for the applicant and Mr. N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned P.O. time is granted by way of last chance to file affidavit in reply on behalf of the respondents.

3. S.O. to 30-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.836/2022
(Shravan Khairnar Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri Anup D. Mane, learned Counsel holding
for Shri A.S.Sawant, learned Counsel for the
applicant and Shri M.P.Gude, learned Presenting
Officer for the respondent authorities, are present.

2. On request of learned P.O., S.O. to 07-02-2023
for filing affidavit in reply on behalf of the
respondents.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**M.A.NO.252/2022 IN O.A.ST.NO.954/2022
(Pallavi Bhand Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri O.D.Mane, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel has tendered the rejoinder affidavit. Same is taken on record. Copy is given to other side. List the matter for hearing.

3. S.O. to 10-02-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**ORIGINAL APPLICATION NO.940/2019
(Ashok Phadnis Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri S.D.Joshi, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 31-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**M.A.NO.566/2022 IN O.A.ST.NO.2087/2022
(Mangesh Kale & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri Mohit R. Deshmukh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. M.A.No.566/2022 is preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, since the cause and the prayers are identical and applicants have prayed for same relief, to avoid the multiplicity of litigation, leave to sue jointly is granted, subject to payment of court fee stamps, if not paid. M.A.No.566/2022 is disposed of. No costs. After removal of office objections, if any, O.A. be registered and numbered as per procedure.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO.2087/2022
(Mangesh Kale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri Mohit R. Deshmukh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. After registration of O.A., issue notice to the respondents, returnable on 09-02-2023.

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 09-02-2023.

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

VICE CHAIRMAN

**M.A.NO.574/2022 IN O.A.ST.NO.3090/2022
(Popat Sonwane Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

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

2. Issue notice on M.A. for condonation of delay to the respondents, returnable on 09-02-2023.

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 09-02-2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.159/2022
(Sanjay Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri Akshay Kulkarni, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 09-01-2023 .

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.160/2022
(Anant Kendrekar Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri Akshay Kulkarni, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 09-01-2023 .

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.583/2022
(Shivling Sakhare Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

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

2. Learned Counsel for the applicant seeks time to file rejoinder affidavit. Time is granted.

3. S.O. to 30-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**ORIGINAL APPLICATION NO.608/2022
(Mahendra Surwade Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant has filed **leave note** on record. Shri M.P.Gude, learned Presenting Officer for the respondent authorities is present.

2. In view of leave note of learned Counsel for the applicant, S.O. to 31-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.848/2022
(Vilas Thombre Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that sur-rejoinder will be filed during the course of the day. He is permitted to file the same. Copy thereof be provided to the other side. List the matter for hearing on tomorrow.

3. S.O. to 23-12-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**ORIGINAL APPLICATION NO.892/2022, 893/2022,
894/2022, 895/2022 & 869/2022
(Balaji Potdar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. submits that sur-rejoinder will be filed during the course of the day. He is permitted to file the same. Copy thereof be provided to the other side. List the matter for hearing on tomorrow.

3. S.O. to 23-12-2023 for hearing.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**M.A.NO.567/2022 IN O.A.NO.1100/2022
(Dr. Namita Korwate Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Ku. Preeti Wankhade, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file reply to the M.A. as well as O.A. Time granted as prayed for.
3. Respondents shall in any case file reply in the M.A. on or before the next date.
4. S.O. to 13-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

M.A.NO.568/2022 IN O.A.NO.1099/2022
(Dr. Sapna H. Tallarwar Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Ku. Preeti Wankhade, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file reply to the M.A. as well as O.A. Time granted as prayed for.

3. Respondents shall in any case file reply in the M.A. on or before the next date.

4. S.O. to 13-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.76/2020
(Shantabai G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri R.R.Deshmukh, learned Counsel holding
for Shri R.B.Deshmukh, learned Counsel for the
applicant, Shri V.R.Bhumkar, learned Presenting
Officer for the respondent authorities, are present.

Shri U.B.Bondar, learned Counsel for
respondent nos.2 and 4 is **absent**.

2. S.O. to 17-01-2023 for filing rejoinder affidavit.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.511/2022
(Sandeep R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri M.G.Patil, learned Counsel for the applicant is **absent**. Shri S.K.Shirse, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 01-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

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

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

DATE : 22-12-2022

ORAL ORDER :

Shri L.V.Sangit, learned Counsel for the applicant is **absent**. Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 17-01-2023 for filing rejoinder affidavit.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

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

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

DATE : 22-12-2022

ORAL ORDER :

Shri S.V.Deshmukh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31-01-2023 for filing rejoinder affidavit.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**ORIGINAL APPLICATION NO.798/2022
(Vitthal Gire Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31-01-2023 for filing reply.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.920/2022
(Dipak Zirwal Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of the respondent nos.1 to 3. It is taken on record. Copy thereof be provided to the learned Counsel for the applicant.

3. S.O. to 31-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**ORIGINAL APPLICATION NO.936/2022
(Ajay Bhonge Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri Vishnu Y. Patil, learned Counsel for the applicant is **absent**. Shri S.K.Shirse, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 02-02-2023 for taking steps.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.974/2022
(Rahul Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri K.G.Salunke, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.4. It is taken on record. Copy thereof be provided to the learned Counsel for the applicant.

3. S.O. to 17-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.1033/2022
(Abhishek Zine Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri S.N.Pagare, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03-02-2023 for taking steps.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**ORIGINAL APPLICATION NO.1034/2022
(Sukha Sathe Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri S.N.Pagare, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03-02-2023 for taking steps.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

ORIGINAL APPLICATION NO.1043/2022
(Bhagubai Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Smt. Priya Bharaswadkar, learned Counsel for the applicant is **absent**. Shri M.P.Gude, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 03-02-2023 for taking steps.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

**M.A.NO.12/2021 IN O.A.ST.NO.34/2021
(Gorakh Dhakane Vs. State of Maharashtra & Ors.)**

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

DATE : 22-12-2022

ORAL ORDER :

Shri D.A.Mane, learned Counsel for the applicant is **absent**. Shri N.U.Yadav, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 17-01-2023 as a last chance for filing affidavit in rejoinder.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

M.A.NO.295/2022 IN O.A.ST.NO.910/2022
(Nanda Nagare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22-12-2022

ORAL ORDER :

Shri V.G.Pingle, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03-02-2023 for filing reply.

VICE CHAIRMAN

YUK ORAL ORDER 22.12.2022

DATE : 22.12.2022

ORIGINAL APPLICATION NO. 1153 OF 2022

(Nilesh R. Mhaske Vs. The State of Maha.& Ors.)

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

1. Shri Saket Joshi, learned Advocate holding for Avinash Deshmukh, learned Advocate for the applicant and Smt. S.K. Ghate-Deshmukh, learned P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **25.01.2023**. The case be listed for admission hearing on **25.01.2023**.
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. 492 OF 2019
(Pritam B. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 280 OF 2022
(Sharad U. Malishikare Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondents. Same is taken on record and copy thereof has been served on the other side.

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

4. S.O. to 07.02.2023 for hearing.

MEMBER (A)

MEMBER (J)

C.P. No. 45/2022 in O.A. No. 598/2015
(Noorunnisa Begum Abdul Rehman Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Dr. Kalpalata Patil-Bharaswadkar, learned Advocate for the applicant (**Leave Note**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 22.12.2022

M.A. No. 570/2022 in O.A. St. No. 2028/2022
(Faijulkhan Sher Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri Tabrezuddin R. Quadri, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents in M.A., returnable on 02.02.2023.

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 02.02.2023.

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

MEMBER (A)

MEMBER (J)

**M.A. No. 575/2022 in O.A. St. No. 3095/2022
(Karan R. Kharde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

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

2. Learned Advocate for the applicants submits that the applicant No. 1 is not serving within the territorial jurisdiction of this Tribunal and therefore, he seeks permission to delete the name of applicant No. 1 in M.A. and O.A.

3. Permission as prayed for by the applicant is granted. The applicants shall carry out the necessary amendment in M.A. and O.A. forthwith.

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

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

6. The accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. No. 575/2022 stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 3095/2022
(Karan R. Kharde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

2. The present Original Application is filed seeking postponement of examination scheduled to be held by the respondent No. 2 i.e. the MPSC on 26.12.2022 pursuant to the advertisement No. 16/2022 dated 18.02.2022 (part of Annexure A-3 collectively) and communication dated 28.11.2022 (part of Annexure A-3 collectively) issued by the respondent No. 2 i.e. the MPSC.

3. The applicants are working as Live Stock Development Officers. They have completed 10-20 years of service with the respondent Nos. 1 to 3 departments. The respondent No. 2 published advertisement dated 18.02.2022 (part of Annexure A-3 collectively) for the recruitment of Assistant Commissioner of Animal Husbandry. The applicants applied for the said post pursuant to the said advertisement. Thereafter, Lampi

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O.A. St. 3095/2022

Skin disease to the animals was prevailing in entire country. In view of that and as per the directions given by the Government, the applicants are required to be available for service 24x7 as reflected in Circular dated 17.09.2022 (Annexure A-2) issued by the respondent No. 3 i.e. the Commissioner, Animal Husbandry, Pune. Most of the candidates, who have applied for the said post are from the Live Stock Development Officers working with the Government and hardly 5% candidates are from private sector. According to the applicants, all of a sudden, the respondent No. 2 i.e. MPSC issued publication dated 28.11.2022 (part of Annexure A-3 collectively) declaring the date of examination as 26.12.2022. Due to above-said reasons of prevailing Lampi Skin disease to the animals, the applicants could not prepare for the said examination. In the circumstances, they are likely to be affected adversely, if they have to appear for the examination scheduled to be held on 26.12.2022. Representation dated 04.012.2022 (part of Annexure A-9 collectively) for postponement of examination was made by the Association of LDOs to the respondent No. 2. However, there was no response from the respondent No. 2. Learned Advocate for the applicants in view of above-said pleadings have sought interim relief of postponement of examination.

4. Learned C.P.O. vehemently opposed the submissions made on behalf of the applicant and contended that the advertisement was published way back in February, 2022. The applicants had enough time since then for preparation for examination. Lampi Skin disease to the animals said to have been erupted somewhere in September, 2022. That cannot be a plausible reason for postponement of examination, which is held for recruitment of the post of Assistant Commissioner of Animal Husbandry, which is beneficial to the career of the applicants and others.

5. After going through the pleadings and documents on record and having arguments advanced on behalf of both the sides, we prima-facie find that the applicants have got more than enough time for preparation, which is in the vicinity of about 10 months. It is true that the Lampi Skin disease to the animals is erupted somewhere in September, 2022. The applicants are required to work every day from 8 a.m. to 6 p.m., which can be said to somewhat more than regular duty hours. However, it is a part of duty.

6. In fact, the advertisement is issued for the post of Assistant Commissioner of Animal Husbandry, which is in fact beneficial to the applicants, who are working in the cadre of LDOs. This is an opportunity for the

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O.A. St. 3095/2022

applicants to grow up in their career. Holding examination is a part of process. The declaration of examination is also done a month before actually conducting the examination. The applicants have sought identical final, as well as, interim relief. In these circumstances, in our considered opinion, no any right of the applicants is being infringed / defeated on account of conducting examination. In fact, the same is beneficial to the applicants. Giving direction for postponement of examination will definitely amount to causing interference in the administration, which is undesirable. In fact, this litigation in our considered opinion is unnecessary / uncalled for, if not described as frivolous. Hence, we do not find merit in the present O.A. and the same is liable to be dismissed. Hence, the following order:-

ORDER

The Original Application stands dismissed with no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. No. 563/2022 in O.A. No. 730/2022
(Bhousaheb R. Bhosale & ors.Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicants in the present M.A. / intervenors, Shri V.G. Pingle, learned Advocate for the applicants in O.A. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants in O.A. seeks time for filing response to the present Misc. Application. Time granted.

3. S.O. to 10.01.2023. Interim relief granted earlier in O.A. to continue till then.

MEMBER (A)

MEMBER (J)

**C.P. No. 61/2019 in O.A. No. 533/2015
(Shivaji P. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 23.01.2023 for filing affidavit in reply on behalf of respondent No. 2 and for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

C.P. No. 28/2022 in O.A. No. 583/2019
(Bhaskar D. Baviskar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 23.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 648 OF 2019
(Kishor G. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Avinash Deshmukh, learned Advocate for the applicant (**Leave Note**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. S.O. to 25.01.2023 as one more last chance, for filing rejoinder affidavit by the applicant.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 774 OF 2019
(Chandrakant S. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri A.G. Ambetkar, learned Advocate for the applicants (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 2 & 3.

3. S.O. to 24.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1036 OF 2019
(Dr. Naresh S. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities. Shri Rakesh Jain, learned Advocate for respondent No. 4, **absent**.

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

3. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 113 OF 2020
(Graduate Part Time Employees Association Vs. State of
Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

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

3. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 419 OF 2020
(Ashish D. Dhakane Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 27.01.2023 as a last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2020
(Dr. Datta M. Dhanve Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant (**Leave Note**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. S.O. to 30.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 60 OF 2021
(Ishwar B. Baviskar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri D.B. Shinde, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 30.01.2023 as one more last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.12.2022

ORAL ORDER :

Shri Priya Bharaswadkar, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. S.O. to 30.01.2023 as one more last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 623 OF 2021
(Mehboobali Yawarali Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted as one more last chance for filing rejoinder affidavit.

3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

T.A. No. 13/2022 (W.P. No. 8626/2022)
(Sudam S. Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Smt. Vaishali Suryawanshi-Birajdar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities. Shri Avinash Deshmukh, learned Advocate for respondent No. 6, **leave Note**.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 5.

3. S.O. to 18.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 19 OF 2022
(Bharat B. Gujar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 1 & 2.

3. S.O. to 19.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 244 OF 2022
(Maharashtra State Gazetted Medical Officer Association Vs.
State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

**O.A. Nos. 313, 314, 315, 316, 317, 318, 319, 320
& 321 all of 2022**

**(Graduate Part Time Employees Association Vs. State of
Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicants in all these O.As. and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities in all these O.As.

2. Await service of notice upon the respondents in all these O.As.
3. S.O. to 02.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 694 OF 2022
(Pradeep D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

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

3. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 767 OF 2022
(Jaywant R. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1, 2, 4 & 5.

3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 812 OF 2022
(Rashtra Seva Arogya Karmachari Sanghatna Vs. State of
Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri P.D. Jarare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondents. Hence, the present matter will proceed further without affidavit in reply of the respondents.

3. S.O. to 18.01.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 828 OF 2022
(Shailendra G. Sasane Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant (**Leave Note**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 20.01.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 838 OF 2022
(Dr. Shrikant S. Shingarwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 839 OF 2022
(Dr. Gorakh V. Suramwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

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

3. S.O. to 03.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 842 OF 2022
(Dr. Ramdas B. Panchal Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities. Shri J.K. Kadam, learned Advocate for respondent No. 4, **absent**.

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

3. S.O. to 06.02.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 854 OF 2022
(Vaishali R. Andhale Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicants (**Leave Note**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 23.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 963 OF 2022
(Sanjaykumar P. Deshpande & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 27.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 200/2022 in O.A. St. No. 836/2022
(Kiran S. Giri Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 27.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 387/2022 in O.A. St. No. 1405/2022
(Tulshiram K. Patil & Ors. Vs. State of Maharashtra & Ors.)

WITH

M.A. No. 389/2022 in O.A. St. No. 1408/2022
(Bhimrao B. Devre & Ors. Vs. State of Maharashtra & Ors.)

WITH

M.A. No. 391/2022 in O.A. St. No. 1411/2022
(Arun B. Salunkhe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicants in all these cases and S/shri S.K. Shirse, V.R. Bhumkar & N.U. Yadav, learned Presenting Officers for the respondent authorities in respective cases. Shri Yogesh Patil, learned Advocate for respondent No. 4 in M.A. No. 389/2022, **absent**.

2. Learned Advocate Shri Sandesh Patil, filed **VAKIL PATRA** on behalf of respondent No. 3 in M.A. No. 391/2022. Same are taken on record.

3. At the request of learned Presenting Officer for respondent Nos. 1 and 2 and learned Advocate for respondent No. 3, time is granted for filing affidavit in reply in M.A.

4. S.O. to 30.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 430/2022 in O.A. St. No. 1463/2022
(Kana S. Pawara & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Y.H. Jadhav, learned Advocate for the applicants (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A..

3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 443/2022 in O.A. St. No. 1705/2022
(Chimya T. Bhil (Choudhary) & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Y.H. Jadhav, learned Advocate for the applicants (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A..

3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 501/2022 in O.A. St. No. 1783/2022
(Dadabhau D. Belote & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicants and Smt. Deepali S. Deshapnde, learned Presenting Officer for the respondent authorities.

2. Await service of notice on the respondent No.4.
3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A..
4. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 502/2022 in O.A. St. No. 1806/2022
(Manik J. Bhamre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A..

3. S.O. to 31.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. 181/2016 with M.A. 372/2016 in O.A. 67/2016,
O.A. No. 368/2016, O.A. No. 369/2016 & 490/2016
(Jagdishkumar N. Shirsath & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri Sudhir Patil, learned Advocate for the applicants in all these cases (**Leave Note**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases. Shri Avinash Deshmukh, learned Advocate for respondent Nos. 4 to 5 in O.A. 67/2016 (Leave Note).

2. Learned C.P.O. placed on record a copy of communication dated 14.11.2022 received to by his office from the respondent No. 3, wherein it is stated that the affidavit in reply on behalf of respondent Nos. 1 to 3, which is already filed in all these O.As. cover all the points and hence, the additional or corrected affidavit in reply on behalf of respondent Nos. 1 to 3 in all these O.As. is not necessary. It is also stated that the applicant in O.A. No. 369/2016 is already promoted. Copy of the said communication is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 02.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 111 OF 2013
(Gajanan M. Shikare Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.S. Panpatte, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present. Shri G.J. Kore, learned Advocate for respondent No. 3 and Shri S.K. Sawangikar, learned Advocate for respondent No. 4, are **absent**.

2. S.O. to 20.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 525 OF 2016
(Manohar K. Borse Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

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

2. S.O. to 02.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2016
(Anket N. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant (**Leave Note**). Smt. Deepali S. Deshapnde, learned Presenting Officer for the respondent authorities, is present. Shri Amit Savale, learned Advocate for respondent No. 4, **absent**.

2. S.O. to 24.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 733 OF 2016
(Vithal L. Badhe Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri P.B. Salunke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 773 OF 2016
(Govind D. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri G.J. Karne, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 03.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 191 OF 2017
(Adikrao S. Mane Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant (**Leave Note**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 31.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

O.A. Nos. 212, 214 & 215 all of 2018
(Ashok G. Labde & ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned Advocate for the applicants in all these O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. S.O. to 03.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 488 OF 2018
(Dattu B. Kolpe Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 718 OF 2018
(Balasaheb N. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.01.2023 for final hearing. Second set not filed.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 776 OF 2018
(Nana B. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present. Smt. Sunita D. Shelke, learned Advocate for respondent No. 3, **absent**.

2. S.O. to 27.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 887 OF 2018
(Dr. Sumant N. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 896 OF 2018
(Madhukar D. Madarase & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.102 OF 2019
(Vishvas S. Thore Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 3, are present.

2. S.O. to 30.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 647 OF 2019
(Balasaheb T. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Avinash Deshmukh, learned Advocate for the applicant (**Leave Note**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 30.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2019
(Bhagwan W. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

2. S.O. to 31.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 787 OF 2019
(Laxman P. Huse Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri Avinash Deshmukh, learned Advocate for the applicant (**Leave Note**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 938 OF 2019
(Maheboob Khan Mohd. Yousufkhan Pathan Vs. State of
Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 31.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 55 OF 2020
(Bhagwan 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 : 22.12.2022

ORAL ORDER :

Shri P.A. Sangar, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.02.2023 for final hearing.

MEMBER (A)

MEMBER (J)

**M.A. No. 576/2022 with O.A. No. 757/2022
(Sunil K. Rodge Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Heard Ms. Aditi Warjekar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Ms. Aditi Warjekar, learned Advocate for the applicant submits that she has already filed Vakalatnama on behalf of the applicant with NOC of earlier Advocate Shri S.S. Kulkarni. She further submits that in the order dated 21.12.2022 passed by this Tribunal in M.A. and O.A. inadvertently her name has been shown as "Ms. Aditi Warjekar, learned Advocate holding for Shri Shri S.S. Kulkarni, learned Advocate for the applicant". She therefore, submits that the order dated 21.12.2022 in M.A. and O.A. shall be corrected accordingly.

3. In view of above, in the order dated 21.12.2022 in M.A. and O.A. name of Ms. Aditi Warjekar be mentioned as learned Advocate for the applicant instead of "Ms. Aditi Warjekar, learned Advocate holding for Shri Shri S.S. Kulkarni, learned Advocate for the applicant".

//2// M.A. 576/2022 with
O.A. 757/2022

4. The Registrar of this Tribunal is directed to correct the order dated 21.12.2022 in M.A. and O.A. and issue corrected copies to the parties.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 22.12.2022

**FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANGABAD.**

OFFICE NOTES

TRIBUNAL'S ORDERS

**M.A. No. 576/2022 in O.A. No. 757/2022
(Sunil K. Rodge Vs. State of Maharashtra & Ors.)**

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

DATE : 21.12.2022

ORAL ORDER :

Heard Ms. Aditi Warjekar, ^{*}learned Advocate holding for Shri S.S. Kulkarni, ^{*}learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present Misc. Application is filed seeking to join the Commissioner, Sports and Youth Services, Directorate Mhalunge, Balewadi, Pune and the Joint Director of Sports and Youth Services, Directorate Mhalunge, Balewadi, Pune as party respondent Nos. 6 and 7 in O.A. and further seeking amendment in the O.A. by taking additional grounds, as well as, placing on record the alleged subsequent events.

3. The Original Application is filed challenging the impugned communication dated 25.07.2022 (Exhibit-A) addressed by the respondent No. 3 i.e. the Deputy Director of Sport and Youth Services, Nagpur Division, Nagpur to the respondent No. 5 i.e.

* Deleted as per
Order dt. 22/12/22.
P.V. Subhakar
Registrar
22/12/22

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//2// M.A. 576/2022 in
O.A. 757/2022

the Sub Divisional Officer, Vasmat, Dist. Hingoli, whereby the sports certificate on the basis of which the applicant got appointed to the post of Talathi is being cancelled. The O.A. is filed on or about 24.08.2022. The notices in the O.A. were issued to the respondents by the order dated 16.11.2022 making it returnable on today i.e. on 21.12.2022.

4. It is contended that meanwhile the respondent No. 4 issued show cause notice dated 28.10.2022 to the applicant as to why the appointment of the applicant to the post of Talathi should not be cancelled in view of the cancellation of sports certificate vide impugned order dated 25.07.2022 by the respondent No. 3. In the circumstances, the applicant is seeking to amend the O.A. by bringing on record the subsequent events by raising additional pleadings and also seeking interim relief of stay to the execution and implementation of the impugned show cause notice dated 28.10.2022.

5. Upon enquiry, learned Advocate for the applicant on instructions stated that the applicant

//3// M.A. 576/2022 in
O.A. 757/2022

has submitted written reply to the show cause notice dated 28.10.2022.

6. In the facts and circumstances, the proposed amendment is by way of subsequent developments, which has bearing on the O.A. The proposed amendment is not going to change the nature of original proceedings. In fact, the proposed amendment is just and necessary to determine the real question of controversy between the parties. Hence, we proceed to pass following order :-

ORDER

- (i) The M.A. No. 576/2022 is allowed.
- (ii) The applicant shall carry out the necessary amendment in the O.A. within a period of one week and to serve the amended copy of the O.A. on the other side.
- (iii) Accordingly, M.A. No. 576/2022 stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 757/2022
(Sunil K. Rodge Vs. State of Maharashtra & Ors.)

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

DATE : 21.12.2022

ORAL ORDER :

The present Original Application is filed seeking main relief in terms of prayer clause XI-B and interim relief in terms of prayer clause-XII, which are as follows :-

“XI. (B) The impugned order issued by respondent no.3 dated 25/07/2022 to the respondent no.5 thereby appointment order of the applicant is directed to be cancelled may kindly be quashed and set aside.

XII During pendency and final disposal of the original application, the effect, implementation and execution of the impugned order dated 25/07/2022 may kindly be stayed and the parties hereto may kindly be directed to maintain status-quo.”

2. The advertisement bearing No. 127/2019 dated 25.02.2019 (Exhibit-B) was issued by the respondent No. 4 i.e. the District Collector, Hingoli to fill up the post of Talathi in Hingoli District. Apart from the social reservation, 5% reservation for

//2// O.A. No. 757/2022

Sports category was stated therein. The applicant applied for the said post of Talathi from Sports Category. After completion of process his name appeared in the waiting list published by the respondent No. 5 i.e. the Sub Divisional Officer, Vasmat, Dist. Hingoli on 02.12.2019 (Exhibit-D). Thereby the candidates mentioned therein were directed to get verified their documents before the requisite committee. In that regard, the respondent No. 5 i.e. the Sub-Divisional Officer, Vasmat addressed a letter dated 23.01.2020 (Exhibit-E) to the respondent No. 3 i.e. the Deputy Director of Sport and Youth Services, Nagpur Division, Nagpur that the applicant, who is selected from Open Sports category has submitted his sports certificate and sought verification of the said document from the respondent No. 3. In turn, the respondent No. 3 by communication dated 27.01.2020 also at Exhibit-E informed the respondent No. 5 that on 18.05.2018 verification of sports certificate of the applicant was already done and as such, the applicant is eligible for the post of Talathi from Sports category. In view of that, the respondent No. 5 issued letter dated 29.01.2020 (Exhibit-F) to the applicant appointing

him on the post of Talathi from Open Sports category, therein the applicant was posted at Siddheshwar, Taluka Aundha, Dist. Hingoli. Since then the applicant has been working there.

3. However, to the utter shock of the applicant, he received copy of impugned communication dated 25.07.2022 (Exhibit-A) addressed by the respondent No. 3 to the respondent No. 5 by making the following observations :-

“lanHkZ dz- 4 uqlkj ikWojfy ¶Vhax gk [ksG vkWfyEihd dzhMk Li/kkZ] ,f'k;u xsEI] dkWeuosYFk xsEI ;k Li/ksZr [ksGyk tkr ukgh R;keqGs ikWojfy¶Vhax [ksGkps [ksGkMwauk ;k vxksnj ns.;kr vkysys oS/k izek.ki= iMrkG.kh vgoky ifjf'k"V& d jn~n dj.;kps funsZ'k ek- vk;qDr] dzhMk o ;qod lsok lapkyuky;] egkjk"V^{aa} jkT;] iq.ks ;kauk ;k dk;kZy;kl fnys vkgs- djhrk lanHkZ dz- 1 o 3 uqlkj ;k dk;kZy;kOnkjs ns.;kr vkysys [ksGkMw izek.ki= iMrkG.kh vgoky ifjf'k"V & d jn~n dj.;kr ;sr vkgs-rjh [ksGkMw vkj{k.k varxZr Jh- lqfuy ds'ko jksMxs ;kauk fu;qDrh ns.;kr ;sÅ u;s- vFkok fu;qDrh fnysyh vIY;kl jn~n dj.;kr ;kos-”

4. The applicant made M.A. No. 576/2022 seeking amendment in the O.A. By separate order passed today in the said M.A., the applicant is

allowed to add two more respondents i.e. the respondent Nos. 6 and 7 and to bring on record the subsequent events i.e. receipt of show cause notice

**FARAD CONTINUATION SHEET
THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI, BENCH AT AURANGABAD.**

OFFICE NOTES

TRIBUNAL'S ORDERS

//4// O.A. No. 757/2022

dated 28.10.2022 issued by the respondent No. 5 as to why services of the applicant should not be terminated in view of the impugned communication dated 25.07.2022 (Exhibit-A) received by the respondent No. 5 from the respondent No. 3. Thereby the applicant also sought interim relief of stay of the said show cause notice dated 28.10.2022 issued by the respondent No. 5.

5. Heard Ms. Aditi Warjekar, ^{*}learned Advocate holding for Shri S.S. Kulkarni, ^{*}learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

6. Learned Presenting Officer opposed the prayer for grant of interim relief contenting that already notices have been issued to the respondents and the time may be granted for filing affidavit in reply.

7. Learned Advocate for the applicant however, submitted that the applicant has been appointed to the post of Talathi in view of recruitment process from Open Sports category. He is working on that post since 29.01.2020. He has completed more than two and half years unblemished service. No show

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* Deleted as per
order dt. 22/12/22.
P.W. Subhadra
Registrar
22/12/22

//5// O.A. No. 757/2022

cause notice was issued to the applicant before issuance of the impugned communication dated 25.07.2022, thereby proposing termination of services of the applicant. She submitted that in similar situation interim relief was granted by the Hon'ble High Court in **W.P. No. 882/2022 on 30.08.2022**, in the matter of **Pradip Dnyanoba Zate Vs. The State of Maharashtra and Ors.** and by the Nagpur Bench of this Tribunal as per order dated 18.11.2022 in O.A. No. 1123/2022, order dated 29.07.2022 in O.A. No. 775/2022 and order dated 26.09.2022 in O.A. No. 959/2022. In all these matters sports certificate pertaining to Power Lifting game was involved. The facts of the said cases and the facts of the present case are of similar nature.

8. The applicant has been working on the post of Talathi for more than two and half years. The sports certificate in question is held to be invalid, as the said game of Power Lifting is not being played in various world level events. However, it appears that the validity of certificate was earlier issued by the same authority i.e. the respondent No. 3 as per the guidelines given by the Government. Show cause

//6// O.A. No. 757/2022

notice is not issued to the applicant before issuance of the impugned communication dated 25.07.2022 (Exhibit-A). No doubt the respondent No. 5 has issued show cause notice dated 28.10.2022 to the applicant, which is also challenged in this O.A., to which the applicant said to have given his written reply. The applicant, however, is facing show cause notice of termination from the regular service on the post of Talathi. In the circumstances, refusing to give interim relief is likely to defeat the cause of justice at the threshold. Hence, in our considered opinion, considering the facts and circumstances, prima-facie case is made out by the applicant for grant of interim relief of stay to the impugned communication dated 25.07.2022 (Exhibit-A) and impugned show cause notice dated 28.10.2022 till filing of the affidavit in reply by the respondents. It is ordered accordingly.

9. After amendment, issue notice to the newly added respondent Nos. 6 & 7, returnable on 23.01.2023.

//7// O.A. No. 757/2022

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

11. 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.

12. 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.

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

//8// O.A. No. 757/2022

14. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 5.

15. S.O. to 23.01.2023.

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

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 21.12.2022

ORIGINAL APPLICATION NO. 691 OF 2021
(Amol S/o. Vishwanath Padale Vs. State of Maha. & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the State authorities.

2. The applicant was initially appointed as Junior Clerk on 11.6.2015 in Government Polytechnic, Ambad, District Jalna (respondent No. 3). The applicant was appointed against the seat reserved for Scheduled Tribe (ST). After resuming the charge of the said post the proposal for Caste/Tribe scrutiny was forwarded by the said office to the concerned Caste Scrutiny Committee. As is contended in the application the Caste Scrutiny Committee has till date not decided the validity of the Caste/Tribe of the applicant. The applicant worked with respondent No. 3 till 30.6.2021.

3. While working with respondent No. 3 applicant also applied for the post of Junior Clerk on the establishment of District Court, Jalna. As is further averred in the application, applicant applied for the said post from Open Category and also got selected. As the

applicant was intending to join the duties on the establishment of District Court, Jalna, he tendered resignation of his existing post to respondent No. 3. On 30.6.2021 resignation was accepted and applicant resumed his new posting at Jalna.

4. After being relieved by respondent No. 3, the applicant sought leave encashment of 156 days, which were at his credit as earned leave. Respondent No. 3 forwarded the proposal to respondent No. 2 i.e. Joint Director, Technical Education, Aurangabad Region and respondent No. 2 sanctioned the leave encashment. However, while sanctioning the leave encashment of 156 days respondent No. 2 directed to recover the amount paid by way of increment to the applicant during his service period with respondent No. 3. Pursuant to the said direction, respondent No. 3 passed the order on 27.10.2021 thereby directing the recovery of the amount of annual increment paid to the applicant and provided the particulars of such recovery. Aggrieved by the said order, applicant has preferred the present Original Application.

5. It is the contention of the applicant that as provided under Rule 36 of the Maharashtra Civil Services (Pay) Rules, 1981, the applicant was as a matter

of course entitled for the annual increment. Learned counsel submitted that in such circumstances, without any provisions under Service Rules or any Government Resolution or Circular, the recovery could not have been directed. According to the learned counsel, order of recovery is illegal and hence unsustainable. The applicant has, therefore, prayed for setting aside the said order.

6. In the affidavit in reply filed on behalf of respondent Nos. 1 to 3 it has been contended that since the applicant was appointed being deserving candidate against the seat reserved for the said Tribe, the applicant was under an obligation to file on record Caste Validity Certificate. According to the respondents, since the applicant failed in submitting the Caste Validity Certificate, he is not entitled to claim any benefit of service continuation. It is the further contention in the affidavit in reply that since the applicant failed to produce Caste Validity Certificate, his services did not get status of continuous service and, as such, he was not entitled for any increment. In the circumstances, according to the respondents, no error has been committed by them in issuing the impugned order, wherein recovery has been directed of the amount of increment paid to the applicant.

7. I have duly considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer appearing for the State authorities.

8. It is not in dispute that the applicant was given regular appointment in the year 2015 as Junior Clerk with respondent No. 3. It is not in dispute that he worked with the said office till his resignation was accepted i.e. 30.6.2022. It is further not in dispute that during the said period 156 days earned leave was at his credit. The respondents have also not disputed that the applicant was entitled for such leave encashment. In fact, the same was granted by respondent No. 2. The only question which requires determination in the present matter is whether the applicant was entitled for annual increment during the period of his service with the respondent No.3 or not? According to the applicant, as per rule 36 of the M.C.S. (Pay) Rules, 1981, he was entitled for the annual increments. Learned counsel for the applicant submitted that the increment was never withheld as penalty under the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 and in the circumstances, the applicant was entitled to annual increment in the said period. Rule 36 reads thus:-

“36. Increment to be drawn as a matter of course.- An increment shall ordinarily be drawn as a matter of course unless it is withheld as a penalty under the relevant provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. In ordering the withholding of increment the withholding authority shall state-

- (i) the period for which it is withheld,
- (ii) whether the postponement shall have the effect of postponing future increments; and
- (iii) whether the period for which the increment has been withheld will be exclusive of any interval spent on leave before the period is completed.”

9. As against it, the respondents have come out with the case that since the appointment of the applicant was against reserved seat reserved for ST, since the applicant failed in furnishing the Caste Validity Certificate he was not entitled for any increment. It is not in dispute that the Caste Validity has not yet been received to the applicant. However, the fact that the proposal seeking validity of the Caste/Tribe of the present applicant has been forwarded by the office of respondent No. 3 has not been denied or disputed. The record also shows that the applicant had made an attempt to seek directions from the Hon'ble High Court against Caste Scrutiny Committee to decide his claim at the earliest. Accordingly, in Writ Petition such directions have also

been issued. However, in spite of those directions the Caste/Tribe Scrutiny Committee has not decided the claim of the applicant. In the meanwhile, the applicant got opportunity of employment in the District Court at Jalna and accordingly he was given appointment on the said post. It is thus evident that for not filing Caste Validity Certificate, no blame is attributable on the part of the applicant. Learned P.O. has not brought to my notice any provision enabling or authorizing the respondents to withhold the increment on the ground that the Government servant has not submitted the Caste Validity Certificate. In the circumstances, the decision taken by respondent No. 2 to direct recovery of the annual increments paid to the applicant from the amount payable by way of leave encashment cannot be sustained and deserves to be set aside. It is accordingly set aside. The Original Application is disposed of in the aforesaid terms. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 595 OF 2022
(Dr. Dinesh S/o Shivaji Ravtale Vs. State of Maha. & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

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

2. The applicant has preferred the present Original Application seeking following relief: -

“A) This Original Application may kindly be allowed;

B) By issue of an appropriate order or direction, the respondent Nos. 1 to 6 may kindly be directed to treat the period from 08.06.2020 till the date of permitting the applicant to join the duties as compulsory waiting period by virtue of Rule 9 (14)(f)(ii) of the M.C.S. (Pay) Rules, 1981 and consequently, be held entitled for all the salaries allowances and consequential service benefits of the said period.”

The applicant has also sought the interim relief in the following manner: -

“a) Pending the hearing and final disposal of this Original Application, the respondent No. 2 to 5 may kindly be directed to permit the applicant to

join the duties forthwith and pass the necessary order in that regard within one week”

3. The applicant was working as Medical Officer during the period from 2005 to 2019 on contractual post and served in the various Government hospitals. The applicant and similarly situated Medical Officers came to be absorbed vide G.R. dated 11.1.2019. After absorption the applicant was posted as Medical Officer at Primary Health Center, Zapi, Tq. Dhadgaon, Dist. Nandurbar. While discharging his duties on the said post the applicant suffered some ailment to his foot drop and was required to proceed on leave. As is revealing from the contents of the application leave period was more than 100 days. After getting recovered from the said ailment the applicant reported for duty on 18.6.2020 and submitted joining report with Chief Executive Officer, Zilla Parishad, Nandurbar. However, he was not allowed to resume the duties and letter dated 15.6.2020 came to be issued under the signature of the District Health Officer, Zilla Parishad, Nandurbar directing the applicant to appear before the Medical Board and to bring the fitness certificate for joining the duties. The applicant accordingly appeared before the Medical Board at Shri Bhausahab Hire Medical College, Dhule and the Board certified the applicant to be fit for resuming the duty.

However, even thereafter the applicant has not been permitted to resume his duties. The applicant has, therefore, filed the present Original Application with the prayers as noted hereinabove.

4. The respondents though have been duly served have not yet filed the affidavit in reply. In the circumstances, the applicant today has pressed for grant of interim relief as has been prayed for by the applicant. It is the contention of the learned counsel appearing for the applicant that even if the department is intending to conduct any enquiry, the applicant is ready to face the said enquiry. However, in the meanwhile period he must be allowed to resume the duty.

5. Learned CPO has submitted that the request made by the applicant to allow him to resume the duty is under consideration of the higher authorities and the decision is likely to be taken. Learned CPO has today tendered the letter dated 29.9.2022 written by the Deputy Director of Health Services, Nashik Region, Nashik to the Joint Director, Health Services, Commissionerate at Mumbai.

6. After having considered the facts involved in the present matter I see a *prima facie* case in favour of the applicant. The documents filed on record reveal that the

applicant was suffering an ailment to his foot and was required to proceed on leave. The applicant has not disputed that he was on leave for a long period i.e. of 104 days. The applicant did not resist the direction of brining fitness certificate for resuming the duties; he appeared before the Medical Board and accordingly was certified to be fit for resuming the duties. According to the respondents, for unauthorized continued absence from duty of the applicant the departmental enquiry is contemplated. The respondents may proceed with the said enquiry, however, in the meanwhile period if the applicant is permitted to resume duties, no prejudice is likely to be caused to the respondents. The applicant is justified in seeking interim relief for the reason that when the applicant has reported for duty in June 2020, till date no decision has been taken. A *prima facie* case is, therefore, certainly made out in favour of the applicant. In the circumstances, I am inclined to pass the following order: -

ORDER

The respondents shall get resumed the applicant on duty within 2 weeks from the date of this order, subject to outcome of the departmental enquiry contemplated against the applicant.

(ii) S.O. to 13.1.2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 545 OF 2020
(Dayanand U. Rajgire Vs. State of Maha. & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

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

2. S.O. to 2.1.2023.

VICE CHAIRMAN

ORAL ORDER 22.12.2022-HDD

ORIGINAL APPLICATION NO. 229 OF 2021
(Balbir Singh Jagannath Prasad Tyagi Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2022

ORAL ORDER :

Shri K.G. Salunke, learned counsel appearing for the applicant and Shri N.U. Yadav, learned Presenting Officer appearing for the respondent authorities, are present.

2. S.O. to 2.1.2023.

VICE CHAIRMAN

ORAL ORDER 22.12.2022-HDD

**ORIGINAL APPLICATION NO. 420 OF 2021
(Raosaheb B. Jangle Vs. State of Maha. & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

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

2. S.O. to 2.1.2023.

VICE CHAIRMAN

ORAL ORDER 22.12.2022-HDD

**ORIGINAL APPLICATION NO. 179 OF 2022
(Raju J. Somvanshi Vs. State of Maha. & Ors.)**

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

DATE : 22.12.2022

ORAL ORDER :

Shri P.M. Shinde, learned counsel appearing for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer appearing for the respondent authorities, are present.

2. S.O. to 8.2.2023.

VICE CHAIRMAN

ORAL ORDER 22.12.2022-HDD