

ORIGINAL APPLICATION NO. 595/2023
(Indirakant N. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. While dictating the judgment in the present Original Application, it is revealed that, on certain legal aspects more particularly whether the period during which the applicant worked as daily wager can be considered as qualifying service in view of the judgment of the Hon'ble Bombay High Court in the case of **Dwarkabai w/o Namdeo Jagtap and others vs. Deputy Van Saurakshak, Van Vibhag, Amravati & Ors. (2016(2) Mh.L.J.,446)**, the parties will have to be heard since this issue is remained to be addressed.

3. The present matter therefore be listed for re-hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 353/2021
(Sunil Kamble Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 105/2022
(Amar J. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri Swaraj Tandale, learned counsel for the applicants in both the matters and S/shri N.U. Yadav & I.S. Thorat, learned Presenting Officers for the respondent authorities in respective matters.

2. Since the period of more than 03 months has lapsed after the present Original Applications were reserved for orders, the present matters be listed for re-hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 22.12.2023

M.A.NO.576/2023 IN O.A.NO.2339/2023
(Akash S. Yenare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Smt. Sunita G. Sonawane, learned counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. For the reasons stated in the M.A. and as the applicants have come out similar pleadings and prayers for identical reliefs and to avoid multiplicity of litigation, M.A. for sue jointly is allowed. Leave to sue jointly is granted. M.A. stands disposed of accordingly, without any order as to costs.

MEMBER (A)
YUK ORAL ORDER 22.12.2023

VICE CHAIRMAN

O.A.NO.2339/2023

(Akash S. Yenare & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.12.2023

ORAL ORDER :

Heard Smt. Sunita G. Sonawane, learned counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 26-02-2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 26-02-2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO.2399/2023
(Dr. Sachin M. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant submits that he will remove office objections and file legible pages on record. Though the office has raised objection in respect of limitation as regards prayer clauses D, E and F is concerned, it appears to be unsustainable in view of the fact that order in that regard is passed on 27-07-2023. Said objection, therefore, would not sustain.

3. After removal of office objection, issue notice to respondents, returnable on 27-02-2023.

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

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

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O.A.ST. NO.2399/2023

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

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

8. S.O. to 27-02-2023.

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

MEMBER (A)

YUK ORAL ORDER 22.12.2023

VICE CHAIRMAN

**M.A.NO.255/2023 IN M.A.ST.817/2023 IN
O.A.NO.227/2023 WITH O.A.NO.449/2023
(Malhari Eknath Mane & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 22.12.2023
ORAL ORDER :**

Shri P.D.Suryawanshi, learned Counsel for applicant in O.A.No.449/2023, Shri A.B.Rajkar, learned counsel for the applicants in M.A.No.255/2023 and for applicants/ intervenors in M.A.No.216/2023, Shri Harish S. Bali, learned Counsel for the applicants/intervenors in M.A.St.No.817/2023, Shri S.R.Sapkal, learned Counsel for the applicant in O.A.No.227/2023 and Shri S.G.Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned Special Counsel for respondent authorities, are present.

2. In the present matter it appears that the reply from the Government is necessary to have effective decision in the present matter. Learned Special Counsel is appearing in the present matter for the Government. Today he is not available. His colleague has prayed for time. Granted. State Shall file reply on or before 11-01-2024.

3. S.O. to 11-01-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.944/2023
(Suresh D. Machal Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Vishal Bakal, learned counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. Arguments are heard and concluded. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 22.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.556/2018
(Dr. Shweta Vijay Katkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

2. Learned Counsel on instructions submits that applicant has been regularized in service and purpose of filing the O.A. is served. In view of the said submission, following order is passed:

ORDER

O.A. stands dispose of being infructuous. No costs.

MEMBER (A)
YUK ORAL ORDER 22.12.2023

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 571 OF 2020
(Madhukar R. Mapari Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 28.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

ORIGINAL APPLICATION NO. 897 OF 2022
(Dr. Narayan K. Deshmukh Vs. State of Maharashtra & Ors.)

AND

ORIGINAL APPLICATION NO. 898 OF 2022
(Dr. Sangita P. Khandare Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri S.B. Patil, learned counsel for the applicants in both the O.As. and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities in both the O.As.

2. Learned counsel for the applicants in both the matters on instructions submits that the Government has considered the length of service of the applicants from the date of joining for the purpose of increment and accordingly issued the G.R. dated 08.11.2023 to that effect.

3. In view of same, the grievance raised by the applicants has been redressed and nothing survives in these Original Applications. In view of same, the Original Applications are disposed of. No order as to costs.

MEMBER (J)

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

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

DATE : 22.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 07.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 435 OF 2023
(Vikas S. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. In the light of letter/proposal 05.12.2023 (Exh. 'R-3'), the learned P.O. is directed to take specific instructions from the respondent No.2 in this regard.

3. S.O. to 12.01.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 446 OF 2023
(Virbahadur K. Gurung Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

2. S.O. to 11.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 535 OF 2023
(Anil R. Dhumal Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Y.R. Shinde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits that though there is personal talk between the concerned officer and learned P.O., however, the copy of order was not served to the concerned officer.

3. Learned P.O. seeks adjournment for the same. Time granted.

4. S.O. to 02.01.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 542 OF 2023
(Radhabai E. Jondhale Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri A.D. Gawale, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 607 OF 2023
(Gajanan B. Borse Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.02.2024 for hearing.

3. The interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 683 OF 2023
(Sachin A. Gade Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned P.O. on instructions from Shri Tribhuwan P.N., I/c. A.P.O., A.T.C. Office, Nashik who is present in person before the Tribunal submits that during pendency of this Original Application, by order dated 14.12.2023 the respondent No.3 has reinstated the applicant and posted him as Government Secondary Ashram School, Hatdhui Tq. Dhadgaon Dist. Nandurbar. Learned P.O. placed on record the copy of said order dated 14.12.2023. The same is taken on record and marked as document 'X' for the purpose of identification.

3. In view of same, nothing survives with regard to the suspension order except the issue about the pay and allowances of the said suspension period.

4. It is open for the applicant to file his representation at the appropriate time in terms of

//2// O.A. 683/2023

Rule 72 of the Maharashtra civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981 and in case of any adverse order passed against him, the applicant would be at liberty to approach this Tribunal to that extent.

5. The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 638 OF 2015
(Harichandra D. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.R. Patil, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Thought the present matter is of the year 2015, in terms of order passed by the Hon'ble Division Bench of Bombay High Court, Bench at Aurangabad dated 04.08.2022 in Writ Petition No. 3193/2017, the order dated 03.03.2017 passed in this Original Application is set aside for enabling the petitioner to approach the Tribunal with regard to the grounds raised before the Hon'ble High Court. The Hon'ble High court kept all the contentions open.

3. S.O. to 11.03.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 555 OF 2018
(Nirmala S. Bhandari Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 862 OF 2018
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.D. Dhongde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.03.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 900 OF 2018
(Bhika M. Pathare Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 112 OF 2019
(Sheela H. Mohite Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Satish P. Dhobale, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

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

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

DATE : 22.12.2023

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 13.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 584 OF 2019
(Balu S. Jambe Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. S.O. to 27.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 674 OF 2019
(Madhukar K. Brahmane Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri A.M. Nagarkar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 691 OF 2019
(Rajendra B. Potdar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri A.N. Gaddime, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 29.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 542 OF 2020
(Rajaram S. Shendge Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. S.O. to 13.03.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 166 OF 2021
(Suryakant V. Tatode Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Sanjay A. Wakure, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 172 OF 2021
(Baliram S. Pandule Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. S.O. to 21.02.2024 for final hearing. The interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

O.A.NOS. 884 TO 895 ALL OF 2017
(Prabhakar D. Mali & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel holding for Shri Mohit Deshmukh, learned counsel for the applicants in all these O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these O.As., are present.

None present on behalf of respondent No.5 in respective O.As.

2. At the request of learned counsel for the applicants in all these O.As., S.O. to 11.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

ORIGINAL APPLICATION NO. 466 OF 2021
(Dr. Yashwant M. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.B. Patil, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 488 OF 2021
(Sayed Naimuddin Sayed Moinuddin Vs. State of
Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. S.O. to 14.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

**ORIGINAL APPLICATION NO. 1152 OF 2022
(Krishna P. Rathod & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicants, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 29.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.12.2023 sas

ORIGINAL APPLICATION NO. 1106 OF 2023
(Motiram Tulshiram Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Sachin P. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has pointed out various irregularities in the transfer order. However, in terms of oral direction given by this Tribunal, learned C.P.O. has taken oral instructions from the office of Superintendent of Police, Dhule and submitted that though the applicant has been relieved he went on medical leave and since he was relieved, the person transferred on his post has taken charge of his post one sided.

3. In view of same, no interim relief. However, issue notice to respondents, returnable on 16.01.2024.

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

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O.A. 1106/2023

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
8. Learned C.P.O. is directed to call for record and proceedings and place the same before this Tribunal on the date of hearing.
9. S.O. to 16.01.2024.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**O.A.NOS. 587/2020, 269/2021, 444/2021,
772/2021, 377/2022, 593/2022, 732/2022,
744/2022, 815/2022, 850/2022, 929/2022,
983/2022, 1022/2022, 1111/2022, 38/2023,
117/2023, 525/2020 AND 68/2021
(Kumudini R. Sable & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Vijay C. Suradkar, learned counsel has filed **leave note**. S/Shri K.B. Jadhav, M.S. Chaudhari, Smt. Neha B. Kamble, S.B. Solanke, S.P. Salgar, Harish S. Bali, V.G. Pingle, P.V. Suryawanshi G.K. Mane and S.D. Joshi, learned counsel for the applicants in respective matters and S/Shri B.S. Deokar, Smt. Sanjivani K. Deshmukh-Ghate, Shri N.U. Yadav, I.S. Thorat and V.R. Bhumkar, learned Presenting Officers for the respondent authorities in respective matters, are present.

2. S.O. to 06.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 250 OF 2023
(Popat D. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. List the matter for admission hearing on 04.03.2024. The respondents are permitted to file affidavit in reply, if any till the next date of hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 525 OF 2020
(Anita R. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

M.A. No. 478/2022 in O.A. No. 650/2021
(Prakash T. Vaichal Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri A.D. Kawre, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 25.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

**MA 305/2023 in M.A. 15/2021 in O.A. St. 1139/2020
(Chunilal R. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Sanket Suryawanshi, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.P. Pandit, learned counsel for respondent Nos. 2 to 5, are present.

2. By consent, S.O. to 30.01.2024.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

**ORIGINAL APPLICATION NO. 592 OF 2021
(Khandu H. Wane Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 233 OF 2022
(Sudhakar Y. Dandge Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri R.O. Awasarmol, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 22.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

ORIGINAL APPLICATION NO. 267 OF 2022
(Subhash B. Selukar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 04.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

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

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

DATE : 22.12.2023

ORAL ORDER :

Shri Ayush Gawande, learned counsel holding for Shri M.A. Golegaonkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.D. Joshi, 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 submits that the applicant is not going to file rejoinder affidavit.

3. List the matter for admission hearing on 22.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 611 OF 2022
(Sultan Begum Shaikh Gafoor Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer on instructions submits that the respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3.

3. Pleadings complete. List the matter for admission hearing on 06.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1134 OF 2022
(Ramesh L. Naik Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.B. Kharosekar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 28.02.2024 for filing rejoinder affidavit.

MEMBER (J)

ORIGINAL APPLICATION NO. 80 OF 2023
(Shaikh Mohseen Shaikh Khadar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer on instructions submits that the respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3.

3. Pleadings complete. List the matter for admission hearing on 06.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 257 OF 2023
(Karima Begum Shaikh Daud Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer on instructions submits that the respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3.

3. Pleadings complete. List the matter for admission hearing on 06.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 308 OF 2023
(Dattatray B. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri V.Y. Patil, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 11.01.2024.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

ORIGINAL APPLICATION NO. 194 OF 2023
(Shaikh Arshad Mukhtar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 and 3. Same is taken on record along with spare copy for the applicant.

3. List the matter for admission hearing on 04.03.2024 and for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1030 OF 2023
(Radhey R. Khetere Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

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

3. S.O. to 27.02.2024.

MEMBER (J)

**M.A. No. 278/2023 in O.A. St. No. 877/2023
(Smt. Sunita S. Pophale Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1 to 4 in M.A. Same is taken on record and copy thereof is served on the other side.

3. List the matter for hearing on 01.03.2024.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

ORIGINAL APPLICATION NO. 1050 OF 2023
(Manish M. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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 17.01.2024.

MEMBER (J)

**M.A. No. 337/2023 in O.A. St. No. 1400/2023
(Kishor S. Nile & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri V.N. Mundhe/S.V. Salve, learned counsel for the applicants (**Absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 04.03.2024.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

**M.A. No. 575/2023 in O.A. St. No. 2221/2023
(Rajabhau B. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 26.02.2024.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

M.A. No. 583/2023 in O.A. St. No. 2314/2023
(Venkatrao K. Mutyal Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Smt. M.A. Kulkarni, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notices to the respondents in M.A., returnable on 27.02.2024.

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

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

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

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 27.02.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1097 OF 2023
(Bhalchandra D. Tejinkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 06.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
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 06.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 1102 OF 2023
(Paresh D. Khosre Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 16.01.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
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 16.01.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A. St. No. 2201/2023 in O.A. St. No. 1849/2023
(Kashinath K. Deore Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. There is an office objection to the effect that the applicant has not calculated the period of delay.

3. Learned counsel for the applicant seeks time to calculate the delay and mention the same in the application seeking condonation of delay. Time granted. Leave to mention the said period in the prayer clause of the application for condonation of delay.

4. S.O. to 14.02.2024.

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 2462 OF 2023 with
Caveat No. 40/2023
(Dr. Milind V. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)
DATE : 22.12.2023**

ORAL ORDER :

Heard Shri Rahul Pawar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned counsel Shri J.B. Choudhary, appears for respondent No. 5.

3. Learned P.O. and learned counsel for respondent No. 5 assure this Tribunal that the affidavit in reply will be filed till the next date of hearing.

4. Learned Presenting Officer is directed to call original record and proceedings and produce the same on the next date of hearing.

5. Issue notices to the respondents, returnable on 08.01.2024.

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

7. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

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authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

10. S.O. to 08.01.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1100 OF 2023
(Dr. Sanjay M. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash Deshmukh along with Shri Shamsunder B. Patil, learned counsel for respondent No. 4, are present.

2. Learned counsel for the applicant has pointed out various irregularities in the transfer order, however he has fairly accepted that rightly or wrongly the applicant has been relieved in terms of the transfer order itself and the respondent No. 4 has taken additional charge of the post of Dean, Government Medical College, Chatrapati Sambhajinagar in terms of the separate order dated 20.12.2023 (Annexure A-5) (on the same day).

3. In view of above, by consent, the matter is fixed for final hearing. Learned C.P.O. and learned counsel for respondent No. 4 assure this Tribunal that the affidavit in reply will be filed till the next date of hearing.

5. In view of above, S.O. to 04.01.2024 for final hearing. Learned C.P.O. shall call upon the original record and proceedings and keep it ready on the next date of hearing.

6. However, the matter is now fixed for final hearing, it would be utmost necessary to issue formal notices to the respondents.

//2// O.A. No. 1100/2023

7. Hence, issue notices to the respondents, returnable on 04.01.2024.

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

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

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

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

12. S.O. to 04.01.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 274 OF 2022
(Vajnath P. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Admit.

3. Learned P.O. waives notice for all the respondents.

4. S.O. to 09.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 753 OF 2022
(Shravankumar P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri Amol Kokad, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Despite the matter is part heard, learned counsel for the applicant seeks adjournment. Adjournment granted.

3. S.O. to 16.01.2024 for further hearing.

MEMBER (J)

**M.A. No. 400/2021 in O.A. No. 701/2021
(Vijay E. Sonune Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri N.D. Sonavane, learned counsel for the applicant in the present M.A. and Shri Dinesh Kakde/R.V. Gore, learned counsel for the applicant in O.A., are **absent**.

Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer is directed to place on record the relevant paper/s indicating the date of retirement of the applicant.

3. S.O. to 08.01.2024.

MEMBER (J)

M.A. No. 303/2022 in O.A. St. No. 708/2022
(Nagnath M. Adamankar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.M. Kamble, learned counsel for the applicant (**Leave Note**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 27.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

ORIGINAL APPLICATION NO. 545 OF 2023
(Vaishali A. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 24.01.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

**M.A. No. 346/2023 in O.A. St. No. 346/2023
(Pandurang V. Misal Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.A. Deshmukh, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 06.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

ORIGINAL APPLICATION NO. 775 OF 2017
(Dilip N. Sangale & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri Sudhir Patil, learned counsel for the applicants (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 20.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2023

ORIGINAL APPLICATION NO. 940 OF 2017
(Chandrashekhhar Gangurde Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri Sudhir Patil, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 20.02.2024 for hearing.

MEMBER (J)

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

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.03.2024 for final hearing.

MEMBER (J)

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

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Amol Gandhi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. It appears that in O.A. No. 418/2016 filed by the present applicant, by order dated 05.04.2017 this Tribunal has disposed of the said O.A. with the direction to the respondents to decide the representation of the applicant dated 02.09.2015 expeditiously and preferably within three months from the date of the order and decision thereon be communicated to the applicant in writing.

3. Learned counsel submits that in terms of the said order, neither the respondents have decided the representation of the applicant dated 02.09.2015 nor considered the representations filed by the applicant thereafter and the last amongst it is dated 31.01.2020. However, the applicant has filed the present Original Application on 23.08.2021, which appears to have been delayed. Learned counsel for at this stage submits that the applicant would file application for condonation of delay.

4. In view of above, S.O. to 25.01.2024 for filing application for condonation of delay.

MEMBER (J)

M.A. No. 464/2022 in O.A. St. No. 1803/2022
(Sunil T. Kandere Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that there is delay of 03 years and 05 days caused in filing the accompanying Original Application. Learned counsel submits that mother of the applicant viz. Saraswati was serving as Sweeper in the establishment of respondent No. 3 and she was retired on 30.06.2009. After retirement of mother, the applicant has moved an application on 21.12.2011, for appointment as per Lad Page Committee recommendations in the place of his mother, supported with the documents showing educational qualification, Caste, Domicile etc. and also consent affidavit of other family members. The said application was not considered by the respondent No. 3 and by order dated 06.10.2018, the respondent No. 3 has rejected the application of the applicant dated 21.12.2011 for the reason that the application was not submitted within one year.

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MA 464/2022 in
OA St. 1803/22

3. Learned counsel for the applicant submits that in the month of December, 2018, when the applicant had received the said order, he has immediately approached to the Union viz. Akhil Bharatiya Safai Mazdoor Congress and raised his grievances about the said order. In response to the same, the Union National President has submitted an application dated 15.01.2019 before the Civil Surgeon, District Hospital, Parbhani pointing out therein that the said limitation of one year is not applicable for the pending application prior to 2011. Learned counsel submits that even on 07.12.2011, the Deputy Director of Health Services, Aurangabad has sent a communication to the respondent No. 3 stating therein that the limitation is not applicable since the recommendations of Lad Page Committee were not implemented and as such, for pending matter prior to 21.10.2011, the said limitation clause would not be applicable. Learned counsel submits that in light of the aforesaid communication, some of the similarly situated persons approached this Tribunal and the Division Bench of this Tribunal has considered their Original Applications and directed accordingly. In terms of

the said order, those persons joined their services. Learned counsel submits that however the applicant could not approach this Tribunal prior to this occasion due to the financial crisis.

4. Learned counsel for the applicant submits that the delay is not intentional one and there is no inaction on part of the applicant. The applicant has explained delay caused in filing the accompanying O.A.

5. Learned Presenting Officer strongly resisted the application on the ground that there is inordinate delay caused in filing the accompanying O.A. and the applicant has not satisfactorily explained the said period. Learned P.O. submits that the present Misc. Application thus liable to be rejected.

6. It appears that there is no intentional delay as such and even after the impugned order, the applicant has immediately approached the Union. Union has taken up his cause and submitted grievances of the applicant before the respondent No. 3. However, neither respondent No. 3 has

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positively considered it nor considered the communication sent by the Deputy Director of Health Services, Aurangabad. In view of the same, it appears that the applicant has well explained the delay. There is no inaction on his part. Thus considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying O.A. Hence, the following order :-

ORDER

- (i) The M.A. No. 464/2022 is allowed in terms of prayer clause (B).
- (ii) The delay caused in filing the accompanying O.A. is hereby condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 1803/2022
(Sunil T. Kandere Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notices to the respondents, returnable on 04.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
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 04.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

C.P.NO. 53/2019 IN O.A.NO. 207/2018
(Dr. Vinay P. Sonawane Vs. State of Maharashtra & Ors.)

C.P.NO. 54/2019 IN O.A.NO. 338/2017
(Dr. Govind K. Reddy Vs. State of Maharashtra & Ors.)

C.P.NO. 56/2019 IN O.A.NO. 421/2017
(Dr. Shyamrao L. Sawant Vs. State of Maharashtra & Ors.)

C.P.NO. 57/2019 IN O.A.NO. 335/2017
(Dr. Ganpati N. Wadekar Vs. State of Maharashtra & Ors.)

C.P.NO. 58/2019 IN O.A.NO. 23/2018
(Dr. Archana C Pergulwar Vs. State of Maharashtra & Ors.)

C.P.NO. 59/2019 IN O.A.NO. 423/2017
(Dr. Pandurang G. Pawde Vs. State of Maharashtra & Ors.)

C.P.NO. 60/2019 IN O.A.NO. 422/2017
(Dr. Sheshrao M. Narwade Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in all these matters.

2. When the present contempt petitions are taken up for consideration, the learned counsel appearing for the applicants submitted that though the Government has approached the Hon'ble Bombay High Court by filing Writ Petition and though in the said WPs the Contempt Petitions before this Tribunal are stayed by the Hon'ble High Court, some positive developments have occurred.

**:: - 2 - :: C.P.NO. 53/2019 IN O.A.NO.
207/2018 AND Gr.**

Learned counsel submitted that the State Government has now resolved to extend the benefits under the Government Resolution dated 2.2.2009 to all eligible candidates. Learned counsel further submitted that, the applicant would also get the said benefit.

3. In view of the subsequent development, which has taken place the present contempt petitions have become infructuous and hence, the same stand disposed of. There shall be no order as to costs.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

M.A.NO. 562/2023 IN O.A.ST.NO. 2281/2023
(Satule Chetan Virabhadra & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Krishna P. Rodge, learned counsel holding for Shri Balasaheb N. Magar Patil, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Delay stated to be of 109 days in filing accompanying O.A. After having heard the learned counsel appearing for the applicant, it appears to us that the reasonable cause is made out for condoning the delay.

3. Learned Presenting Officer submitted for passing appropriate orders.

4. In view of the fact that the reasons as are assigned for occurrence of delay in filing accompanying O.A. are just and sufficient, the delay deserves to be condoned. Hence, the following order:-

**:: - 2 - :: M.A.NO. 562/2023 IN
O.A.ST.NO. 2281/2023**

ORDER

- (i) The delay caused in filing accompanying O.A. stands condoned.
- (ii) The accompanying Original Application be registered and numbered in accordance with law.
- (iii) The M.A. stands allowed in the aforesaid terms with no order as to costs.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 752 OF 2023
(Dr. Amol N. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Smt. Poonam V. Bodke Patil, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Chief Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 1 and the same is taken on record.

3. Since nobody appears for the applicant, S.O. to 6.3.2024.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 820 OF 2023
(Veena Srinivas Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, issue fresh notice to respondent Nos. 1, 2, 4, 5, 6 & 8 to 17, returnable on 9.1.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
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 9.1.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 611 OF 2023
(Syed Imran Ahmed S. Kalimullah Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri C.R. Thorat, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 12.3.2024.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

**M.A.NO. 579/2023 IN M.A.ST.2324/2023 IN
O.A.ST.2325/2023
(Pallavi S. Karande & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice on application for condonation of delay, returnable on 10.1.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 10.1.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

ORIGINAL APPLICATION NO. 703 OF 2023
(Sandeep S. Rajhans & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicants, issue fresh notice to the respondents, returnable on 9.1.2024.

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

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

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

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

7. S.O. to 9.1.2024.

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

MEMBER (A)

VICE CHAIRMAN

**M.A.NO. 264/2023 IN O.A.ST.817/2023
(Sachin Govind Gavali Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel appearing for the applicant, issue fresh notice to the respondents on application for condonation of delay, returnable on 9.1.2024.

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

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

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

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 9.1.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 224 OF 2018
(Snehal R. Harade Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri Saisagar A. Ambilwade, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri M.B. Kolpe, learned counsel for respondent No. 3, Shri R.A. Joshi, learned counsel for respondent Nos. 4 to 14, are present.

Shri M.P. Bhaskar, learned counsel for respondent Nos. 15 to 17 (**absent**).

2. Since nobody appears for the applicant, S.O. to 17.1.2024 by way of last chance. It is clarified that if nobody appears for the applicant on the next date, the matter shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 753 OF 2018
(Sonal Babasaheb Telore Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

None appears for respondent No. 4.

2. In view of Full Bench judgment on the issue, the present Original Application has become infructuous. Hence, the following order : -

ORDER

The Original Application stands disposed of being infructuous with no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

ORIGINAL APPLICATION NO. 72 OF 2018
(Anant Jiwaraj Hange Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri Avinash D. Aghav, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. The present matter is of the year 2018. However, in the interest of justice, the matter stands adjourned to 17.1.2024. It is clarified that if none appears for the applicant on the next date, the matter shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

ORIGINAL APPLICATION NO. 250 OF 2018
(Girish Manohar Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Smt. Surekha Mahajan, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, Sri G.V. Mohekar, learned counsel for respondent Nos. 10 & 21 and Shri M.B. Klope, learned counsel for respondent No. 1, are present.

2. Learned counsel for the applicant is not present today. Learned counsel appearing for respondent nos. 10 & 21 on instructions submits that the applicant, as well as, these respondents have been given appointment and they have joined the services.

3. In view of the aforesaid submissions made, the following order is passed:-

ORDER

The Original Application stands disposed of being infructuous without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 430 OF 2018
(Jyoti Ashokrao Gutte Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri G.V. Mohekar, learned counsel for respondent Nos. 3 to 5.

2. It is brought to our notice that the present matter has become infructuous, since the selection list itself was revised, wherein neither the name of applicant nor the name of the private respondents are there. In view of the submission made, the following order is passed:-

ORDER

The Original Application stands disposed of without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 301 OF 2018
(Shubhangi Vishnu Khedkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave of this Tribunal to withdraw the present Original Application. Hence, the following order:-

ORDER

The Original Application stands disposed of since withdrawn. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 34 OF 2018
(Kishor Bhujang Khedkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 17.1.2024 by way of last chance. It is clarified that no further adjournment will be granted on the given date. If this matter is not worked out on the next date, the same shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

ORIGINAL APPLICATION NO. 85 OF 2017
(Nikita Kalyan Bhangе Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. The matter is of the year 2017. In the interest of justice, S.O. to 17.1.2024, as a last chance. It is clarified that if nobody appears for the applicant on the next date, the matter shall stand dismissed for want of prosecution.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 480 OF 2018
(Babasaheb Jalindar Salgar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 17.1.2024 by way of last chance. It is clarified that no further adjournment will be granted on the given date. If this matter is not worked out on the next date, the same shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

ORIGINAL APPLICATION NO. 635 OF 2019
(Ketki A. Wadmare Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 17.1.2024 by way of last chance. It is clarified that no further adjournment will be granted on the given date. If this matter is not worked out on the next date, the same shall stand dismissed for want of prosecution.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 914 OF 2018
(Rohan S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. This matter is of the year 2018. In the interest of justice, S.O. to 17.1.2024 by way of last chance. It is clarified that if nobody appears for the applicant on the next date, the matter shall stand dismissed for want of prosecution.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 985 OF 2018
(Rahul R. Tidke Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri Aashish T. Jadhavar, learned counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. This matter is of the year 2018. However, in the interest of justice, S.O. to 17.1.2024 by way of last chance. It is clarified that if nobody appears for the applicant on the next date, the matter shall stand dismissed for want of prosecution.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

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

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

DATE : 22.12.2023

ORAL ORDER :

Shri S.B. Talekar, learned counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present. Shri K.F. Singare, learned counsel for respondent no. 3, is absent.

2. S.O. to 17.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

**ORIGINAL APPLICATION ST. NO. 376 OF 2022
(Abhilash Vilas Gore Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri O.Y. Kashid, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 17.1.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD+

O.A.NOS. 231 TO 233 ALL OF 2018
(Aishwarya Vijay Mudholkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Shri Abhay Rathod, learned counsel for the applicants (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, Shri M.B. Kolpe, learned counsel for respondent No. 2 in all these matters, Shri H.A. Joshi, learned counsel for respondent No. 3 in O.A. No. 231/2018 & for respondent Nos. 10, 14, 20, 26, 34, 35, 38, 43, 46, 47, 49, 51 & 52 in O.A. No. 232/2018, Shri V.B. Wagh, learned counsel for respondent No. 30 in O.A. NO. 232/2018 and Shri Amol S. Gandhi, learned counsel for respondent No. 14 in O.A. No. 232/2018, are present. None appears for other respondents.

2. These matters are of the year 2018. However, in the interest of justice, S.O. to 17.1.2024 by way of last chance. It is clarified that if nobody appears for the applicants on the next date, these matters shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 313 OF 2018
(Anusaya B. Kute Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Shri B.S. Choure, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Sri M.B. Kolpe, learned counsel for respondent No. 3 and Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for respondent No. 4, are present.

2. This matter is of the year 2018. However, in the interest of justice, S.O. to 17.1.2024 by way of last chance. It is clarified that if nobody appears for the applicant on the next date, the matter shall stand dismissed for want of prosecution. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 350 OF 2018
(Dr. Balwant K. Choure Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 17.1.2024 by way of last chance. It is clarified that no further adjournment will be granted on the given date. If this matter is not worked out on the next date, the same shall stand dismissed for want of prosecution. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

O.A.NOS. 485, 486 ALL OF 2018
(Dr. Mahesh B. Phad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

2. At the request of learned counsel for the applicants, S.O. to 17.1.2024 by way of last chance. It is clarified that no further adjournment will be granted on the given date. If these matters are not worked out on the next date, the same shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

M.A.ST.1291/2020 IN O.A. NO. 493/2018
(Rajendra K. Shimpi Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri H.A. Joshi, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. This matter is not on today's board. It is taken on board. The request is made for extension of time for depositing the amount of cost. Time extended by one week from today to deposit the amount of cost.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

**ORIGINAL APPLICATION ST. NO. 2458 OF 2023
(Subhash S. Khade Vs. State of Maharashtra & Ors.)**

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri Amol D. Lipne, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. In view of the fact that the present application has been transferred under the order of the Hon'ble Division Bench of the Bombay High Court passed on 19.12.2023 and since in the said order the Hon'ble High Court has specifically mentioned that the last few orders having been passed by the Deputy Director of Health Services (Leprosy), the petitioner is held to be in contractual service of the Government of Maharashtra, as such, the objection raised by the office of this Tribunal is overruled.

3. Issue notice to the respondents, returnable on 23.2.2024.

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

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

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

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

8. S.O. to 23.2.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.12.2023-HDD

C.P.NO. 14/2022 IN O.A.NO. 367/2019
(Arvind Dattatraya Sulakhe Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

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

2. When the present contempt petition is taken up for consideration, the learned Presenting Officer submits that against the decision rendered by this Tribunal, Writ Petition has been filed; however, that has yet to come up for hearing. In the interest of justice, S.O. to 15.1.2024.

MEMBER (A)
ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 590 OF 2013
(Kaveri d/o Vithalrao Chavan @ Smt. Kaveri Wd/o Santoshrao
Bagal Vs. State of Maharashtra & Ors.)

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

DATE : 22.12.2023

ORAL ORDER :

Heard Shri P.G. Gunale, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri S.K. Mathpati, learned counsel for respondent No. 6.

Shri M.P. Kale, learned counsel for respondent No. 7 & Shri K.G. Salunke, learned counsel for respondent No. 8, are absent.

2. It is the grievance of the applicant in the present matter that respondent No. 6, though had applied from OBC category and in view of the Government Circular dated 3.1.1997 was liable to be appointed against the vacancy reserved for the category for which he has applied, he has been given appointment against Open seat. It is the grievance of the present applicant that as because respondent No. 6 is selected and appointed against the Open

seat her chance of getting appointment on the said post has been prejudicially affected. In the circumstances, the prayer has been made for cancellation of the appointment made in favour of respondent No. 6 and to issue direction to respondent No. 3 to appoint the applicant on his post.

3. The proposition which has been argued and canvassed by the learned counsel for the applicant is wholly unacceptable. It is not in dispute that respondent No. 6 has secured 176 marks out of 200 and was top in merit list. In the circumstances, he has been rightly selected against the Open seat on the basis of her merit.

4. The applicant has secured 94 marks in the written examination out of 200. Since she belongs to Open Category her name was included in the Open Project Affected Persons' merit list. As is revealing from the contents of the affidavit in reply filed on behalf of respondent No. 3, in the said list the applicant is at Sr. No. 57. It is thus evident that in no case the contention of the applicant can be accepted that she was likely to be selected had

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O.A. NO. 590 OF 2013

respondent No. 6 would not have been selected against the Open seat.

5. For both the aforesaid reasons the Original Application deserves to be dismissed being devoid of any merit and it is accordingly dismissed however, without any order as to costs.

MEMBER (A)

ORAL ORDER 22.12.2023-HDD

VICE CHAIRMAN