

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN*

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:- 22/02/2024

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	NEXT DATE
Urgent Admission Matters						
1	CP11/24 In OA372/19	A'bad	Adv Avinash S Deshmukh (Dr. Sanjay V Deshpande)	Contempt Petition		28.3.2024
2	CP17/24 In OA650/22	Nanded	Adv.V G Pingle (Umabai M Mane & Ors.)	Contempt Petition		29.2.2024
3	CP18/24 In OA06/22	P'bhani	Adv.V G Pingle (Ramesh N Shahane)	Contempt Petition		29.2.2024
4	OA132/24	A'nagar	Adv.Shubham D Jayabhar (Mohan R Doiphode)	Selection Process		Dismissed
5	OA190/24	J'gaon	Adv.K B Jadhav (Parag S Wagh)	Promotion/ Posting		8.4.2024
6	OAS2247/23	O'bad	Adv.S A Wakure (Kaka B Waghmare)	Selection Process	With Office Objection	8.4.2024
7	MAS87/24 In OAS88/24	A'bad	Adv.S S Thombre (Monali Y Karande)	M.A. For Condonation of Delay	Circulation with Office Objection	6.3.2024
8	MAS89/24 In OAS90/24	O'bad	Adv.S S Thombre (Ruchi R Aher)	M.A. For Condonation of Delay	Circulation with Office Objection	6.3.2024
9	Rev08/17 In OA498/13	Latur	Adv.S D Joshi (Shivraj D Hawanna)	Review Petition		23.2.2024

Order Matters						
10	MA351/20 In OA470/18	Hingoli	Adv.V P Kadam (Mahadabai G Dhulekar) <u>Adv.A D Gadekar for R.No.4 in OA470/18</u>	M.A. for I.R.	For Hearing Reply Filed by R-1 to R-4	Dismissed
11	MA67/21 In OAS268/21	P'bhani	Adv.Avinash S Deshmukh (Chikkahayakanahalli D Krishnaiah Setty) <u>Adv.S B Mene for R.No.4</u>	M.A. For Condonation of Delay	<u>For Further Consideration</u> Reply Filed by R-1 to R-4 in OA	18.3.2024
12	MA324/21 In OAS947/21	Latur	Adv.Shamsunder B Patil (Dr. Sudam H Mogle)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	1.3.2024
13	MA441/23 In OA659/21 with	Beed	Adv.M S Karad (Sushilkumar B Rakh)	M.A. For Interim Relief	Reply Filed by R-1 to R-7 in OA659/21	23.2.2024
14	MA442/23 In OA661/21 with	Beed	Adv.M S Karad (Ganesh R Sanap)	M.A. For Interim Relief	Reply Filed by R-1 to R-7 in OA661/21	
15	MA443/23 In OA183/22 with	Beed	Adv.M S Karad (Ashok M Jaybhaye & Ors.)	M.A. For Interim Relief	Reply Filed by R-1 to R-7 in OA183/22	
16	MA444/23 In OA185/22 with	Beed	Adv.M S Karad (Ramdas B Sanap & Ors.)	M.A. For Interim Relief	Reply Filed by R-1 to R-7 in OA185/22	
17	MA445/23 In OA186/22 with	Beed	Adv.M S Karad (Ganesh V Darade & Ors.)	M.A. For Interim Relief	Reply Filed by R-1 to R-7 in OA186/22	
18	OA878/22 with	Beed	Adv.M S Karad (Dattatray A Galgate)	Appointment	For Filing Affidavit in Reply	23.2.2024
19	OA907/22 with	Beed	Adv.M S Karad (Ajay S Rathod & Ors.)	Appointment	Reply Filed by R-4 to R-7	23.2.2024
20	OA908/22 with	Beed	Adv.M S Karad (Chandrakant K Sanap & Ors.)	Appointment	Reply Filed by R-1 to R-7	23.2.2024

21	OA909/22 with	Beed	Adv.M S Karad (Rahul Y Pawal & Ors.)	Appointment	Reply Filed by R-1 to R-7	23.2.2024
22	OA910/22 with	Beed	Adv.M S Karad (Pankaj R Rathod & Ors.)	Appointment	Reply Filed by R-1 to R-7	
23	OA911/22 with	Beed	Adv.M S Karad (Dipak D Sanap & Ors.)	Appointment	Reply Filed by R-4 to R-7	
24	OA912/22 with	Beed	Adv M S Karad (Yuvraj N Rakh)	Appointment	For Filing Affidavit in Reply	
25	OA1101/22 with	Beed	Adv.M S Karad (Dipak S Sanap & Ors.)	Appointment	Reply Filed by R-1 to R-7	
26	OA1103/22 with	Beed	Adv.M S Karad (Satish B Bhavar & Ors.)	Appointment	Reply Filed by R-1 to R-7	
27	OA1104/22 with	Beed	Adv.M S Karad (Vishwanath B Nagargoje & Ors.)	Appointment	For Filing Affidavit in Reply	
28	OA1105/22 with	Beed	Adv.M S Karad (Sanjaykumar V Sanap & Ors.)	Appointment	Reply Filed by R-1 to R-7	
29	OA986/22 with	Beed	Adv.M S Karad (Avinash A Rakh)	Selection/ Appointment	For Filing Affidavit in Reply	
30	OA998/22 with	Beed	Adv.M S Karad (Hanuman A Baglane & Ors.)	Selection/ Appointment	Reply Filed by R-4 to R-7	
31	OA1054/22 with	Beed	Adv M S Karad (Yogesh A Bangar & Ors.)	The Experience Certificate/ Appointment	Reply Filed by R-1 to R-7	
32	OA1076/22 with	Beed	Adv.M S Karad (Dnyaneshwar V Parjane & Ors.)	The Seasonal Experience Certificate/ Appointment	Reply Filed by R-1 to R-7	

33	OA167/23 with	Beed	Adv M S Karad (Kailas B Shinde)	Appointment	For Filing Affidavit in Reply
34	OA985/22 with	Beed	Adv.M S Karad (Vitthal H Wanve)	Selection/ Appointment	For Filing Affidavit in Reply
35	OA1077/22 with	Beed	Adv.M S Karad (Ganesh D Nagargoje & Ors.)	The Experience Certificate/ Appointment	Reply Filed by R-1 to R-7
36	OA1078/22 with	Beed	Adv M S Karad (Vikas N Khedkar & Ors.)	The Experience Certificate/ Appointment	Reply Filed by R-1 to R-7
37	OA63/23 with	Beed	Adv M S Karad (Sanjay G Mahske)	Appointment	For Filing Affidavit in Reply
38	OA707/22 with	Beed	Adv M S Karad (Jay B Chavan)	Appointment	As a Last Chance For Filing Affidavit in Reply <u>Ref Order Dtd.</u> <u>22.06.2023</u>
39	OA658/21 with	Beed	Adv.M S Karad (Sayyed Taufik Harun)	Appointment	For Hearing Reply Filed by R-1 to R-7
40	OA660/21 with	Beed	Adv.M S Karad (Vaibhav S Gaikwad)	Appointment	For Hearing Reply Filed by R-1 to R-7
41	OA182/22 with	Beed	Adv.M S Karad (Laxman M Misal & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7
42	OA184/22 with	Beed	Adv.M S Karad (Nagesh N Kharat & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7
43	OA187/22 with	Beed	Adv.M S Karad (Sujoyot S Bhandari & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7
44	OA391/22 with	Beed	Adv.M S Karad (Akash G Garje)	Appointment	For Hearing Reply Filed by R-1 to R-7

45	OA428/22 with	Beed	Adv.M S Karad (Ravi N Khade & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
46	OA429/22	Beed	Adv.M S Karad (Ramesh S Ghubade & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
47	MA580/23 In OA1007/23	Beed	Adv.Shabbeer A Mulla In MA580/23 (Priynaka P Lagad & Ors.) Adv.L.V. Sangit In OA1007/23 (Srikant U Jadhav & Ors.)	M.A.580/23 For Intervention OA1007/23 Seniority List	Reply Filed by R-1 to R-3 In OA	3.4.2024
48	MA67/24 In OA72/20	Nanded	Adv.A D Gadekar (Sheshrao D Totwad)	M.A. For Amendment		18.3.2024
Due Admission Matters						
49	CP41/19 In OA25/18	A'bad	Adv.S D Joshi (Sachin R Salve)	Contempt Petition	For Heraring Reply Filed by R-1 to R-3	8.4.2024
50	CP01/20 In OA824/16	Latur	Adv.Shamsunder B Patil (Dr. Asha A Kadam)	Contempt Petition	For Hearing	8.4.2024
51	OA132/16	Nanded	Adv.S B Mene (Mandabai G Thakur)	Termination	For Hearing Reply Filed by R-2 & R-3	20.3.2024
52	OA192/16	Nanded	Adv.M A Golegaonkar/ Adv.A S Golegaonkar (Maroti S Koli)	Seniority	For Hearing Reply Filed by R-1 to R-3	21.3.2024
53	OA596/18 With	Nanded	Adv.Gajanan S Shembole (Dr.Sunil P Bhandare)	Termination	For Hearing Reply Filed by R-2 to R-7	21.3.2024
54	OA597/18	Nanded	Adv.Gajanan S Shembole (Dr.Jotsana A Reddy)	Termination	For Hearing Reply Filed by R-2 to R-7	21.3.2024

55	OA612/19 With Caveat53/19	Dhule	Adv.Yogesh B Bolkar (Harshal M Nagare & Ors.) <u>Adv.V S Bhale for Caveator</u> (Namedeo S Wagh)	Promotion	For Hearing Reply Filed by R-1 to R-3	21.3.2024
56	OA615/19	Jalna	Adv.Abhijit P Avhad (Shafi Kassimsab Shaikh)	To Declare the Result (Dy. E.O.)	For Hearing Reply Filed by R-2	26.3.2024
57	OA913/19	Dhule	Adv.Y B Bolkar/ Adv.K B Jadhav (Shirish D Deshmukh & Ors.) <u>Adv.V B Wagh For R.Nos.</u> <u>7 to 19</u> <u>Adv.S B Deshpande for</u> <u>R.No.6</u>	Appointment	For Hearing Reply Filed by R-1	21.3.2024
58	OA78/20	Hingoli	Adv.Mohit Deshmukh (Nagorao R Paikrao) <u>Adv.Shamsunder B Patil</u> <u>for R.Nos.3 to 5</u>	Promotion	For Hearing Reply Filed by R-3 to R-5	14.3.2024
59	OA292/20	J'gaon	Adv.Ajay S Deshpande (Bhatu J Borse & Ors.)	Appointment	For Hearing Reply Filed by R-1 & R-4 & For Filing Affidavit in Rejoinder	26.3.2024
60	OA305/21	Dhule	Adv.Avinash S Deshmukh (Devidas G Nandgaonkar)	Promotion	For Hearing	26.3.2024
61	OA476/21	Beed	Adv.Mohit R Deshmukh (Machindra K Bhalerao)	Revision of Pay Scale/ Deemed Date of Promotion	For Hearing Reply Filed by R-2	14.3.2024
62	OA01/22	A'bad	Adv.K G Salunke (Vishnu B More)	Promotion	For Hearing Reply Filed by R-1 to R-3	13.3.2024
63	OA02/22	Jalna	Adv.K G Salunke (Shantilal D Hiwarale)	Promotion	For Hearing Reply Filed by R-1 to R-3	13.3.2024
64	OA104/22	A'bad	Adv.R N Bharaswadkar (Bhagwan N Ugalmugale)	Termination (Freedom Fighters)	For Hearing Reply Filed by R-1 to R-4	18.3.2024

65	OA197/22	Nanded	Adv.G K Muneshwar (Abhijit V Bharne)	Seniority/ Promotion	For Hearing Reply Filed by R-2 & R-3	Reserved for orders
66	OA373/22	N'bar	Adv.D S Mutalik (Dr.Vandana P Sonone)	Exemption From Examintation	For Hearing Reply Filed by R-1 to R-5	4.3.2024
67	OA691/22	A'nagar	Adv.Avinash S Deshmukh (Dr. Vasant M Garudkar) <u>Adv.J P Legal for R.No.3</u>	Appointment	For Hearing Reply Filed by R-1 to R-3	18.3.2024
68	OA941/22	A'bad	Adv.S D Joshi (Ramesh D Narwade)	Major Punishment/ Compulsory Retirement	For Admission Reply Filed by R-2 & R-3	14.3.2024
69	OA942/22	A'bad	Adv.S D Joshi (Abdul Razzaq Abdul Rahim Shaikh)	Major Punishment/ Compulsory Retirement	For Admission Reply Filed by R-2 & R-3	14.3.2024
70	OA1007/22	Jalna	Adv.K B Jadhav (Sanjay S Waghmare & Ors.)	Seniority List	For Hearing Short Affidavit in Reply Filed by R-2 to R-4	5.4.2024
71	OA1030/22	Dhule	Adv.K B Jadhav (Ashok B Pawar & Ors.)	Promotion	For Hearing	4.3.2024
72	OA12/23	N'bar	Adv.S D Joshi (Vinayak M Gavit & Ors.) <u>Adv.Amit Savale for R.Nos. 3 to 5</u>	Seniority List/ Promotion	For Hearingg Reply Filed by R-1 to R-5	4.3.2024
73	OA51/23	Dhule	Adv.A G Ambetkar (Dr. Ravindra R Mistry)	Benefits of Old Pension Scheme	For Hearing Reply Filed by R-1 to R-4	4.4.2024
74	OA52/23	Dhule	Adv.A G Ambetkar (Dr. Shakuntala L Shelke)	Benefits of Old Pension Scheme	For Hearing Reply Filed by R-1 to R-4	4.4.2024
75	OA62/23	Dhule	Adv.A G Ambetkar (Dr. Bhushan B Rao)	Benefits of Old Pension Scheme	For Hearing	4.4.2024

76	OA271/23	A'nagar	Adv.A S Deshpande (Anil S Chavan)	Selection Process (MPSC- Debar)	For Hearing Short Affidavit of Reply Filed by R-3	28.3.2024
77	OA590/23	Dhule	Adv K B Jadhav (Rajendra A Shirsat)	Departmental Enquiry	Further Condsideration Reply Filed by R-3 to R-5	11.3.2024
78	OA774/23	Latur	Adv.C D Biradar (Balasaheb L Kamble)	Selection Process	For Hearing Reply Filed by R-2 to R-4	8.4.2024
79	OA779/23	P'bhani	Adv.Prasad B Kadam (Vitthal C Khillare)	Selection Process	For Hearing Reply Filed by R-1 to R-4	18.3.2024
80	OA1018/23	Hingoli	Adv.Zia Ul Mustafa (Faijulkhan Sherkhan Pathan)	Appointment	For Hearing Reply Filed by R-2 & R-3	12.3.2024
81	OA1081/23	Latur	Adv.K B Jadhav (Balraj S Lanjile)	Enquiry/ Reopened ACP Enquiring	For Hearing	18.3.2024
Final Hearing Matters						
82	OA201/16	Nanded	Adv.V B Wagh (Sayyed Habib Sayyed Abdul Rahim & Ors.)	Challenging G.R.	Reply Filed by R-1 to R-4	27.2.2024
83	OA517/17	Dhule	Adv.M.V. Bhamre (Anup S Kulkarni)	Direction/ Selection/ Appointment	Reply Filed by R-1 to R-2	5.3.2024
84	TA03/18 WP9260/18 with	A'bad	Adv.Preeti R Wankhade (Mangesh R Datar & Ors.)	Selection/ Appointment/ To Appear for Mani Exam	Reply Filed by R-2 & R-3	18.3.2024
85	TA09/18 WP11503/18	A'bad	Adv.Preeti R Wankhade (Ashish S Shejwal & Ors.)	Selection/ Appointment	Reply Filed by R-1 & R-2	
86	TA5/18 WP9261/18 with	A'bad	Adv.Nitin S Kadarale (Pravin C Janjal)	Selection/ Appointment	Reply Filed by R-2 & R-3	

87	TA6/2018 WP9314/18	A'bad	Adv.Abhay R Rathod (Prasanna R Raut & Ors)	Selection/ Appointment	Reply Filed by R-2 & R-3	
88	OA57/18	A'bad	Adv.S D Dhongde Adv.S D Dhongde has Filed Leave Note From 05.02.2024 to 15.03.2024 (Uttam T Dabhade & Ors.)	Dismissal	Reply Filed by R-1 to R-3	1.4.2024
89	OA399/18	A'bad	Adv.Santosh S Dambe (Kantilal K Golwal)	Termination	Reply filed by R-1 to R-3	19.3.2024
90	OA212/18 With	Jalna	Adv.Preeti R Wankhade (Ashok G Labde)	Promotion	Reply Filed by R-2	19.3.2024
91	OA214/18 With	Jalna	Adv.Preeti R Wankhade (Eknath L Bhojne)	Promotion	Reply Filed by R-2	
92	OA215/18	Jalna	Adv.Preeti R Wankhade (Vishnu U Puri)	Promotion	Reply Filed by R-2	
93	OA117/19	A'bad	Adv.Prasad D Jarare (Sainath K Matkar)	Promotion	Reply Filed by R-1 to R-3	14.4.2024
94	OA384/19	A'bad Etc.	Adv.M B Kolpe (Vinayak B Kapse & Ors.)	M.A. For I.R.	Reply Filed by R-2	14.3.2024
95	OA246/20 With	A'nagar	Adv.S R Sapkal (Dattatraya M Devkate) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-4 to R-7	Reserved for orders
96	OA238/20 With	A'nagar	Adv.S R Sapkal (Balu S Sumbe) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	
97	OA239/20 With	A'nagar	Adv.S R Sapkal (Rahul A Tarwade) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	

98	OA242/20 with	Nashik Mumbai	Adv.S R Sapkal (Bahiru k Benke) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-3 & R-5 to R-7	Reserved for orders
99	OA243/20 with	Nashik Mumbai	Adv.S R Sapkal (Somnath N Gadhave) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-3 & R-5 to R-7	
100	OA244/20 With	Nashik Mumbai	Adv.S R Sapkal (Sandeep S Kale) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-3, R-6 & R-7	
101	OA245/20 with	Nashik Mumbai	Adv.S R Sapkal (Dnyaneshwar J Sonwane) <u>Adv.S Y Shinde For R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	
102	OA248/20 with	Nashik Mumbai	Adv.S R Sapkal (Bhagwan K Govekar) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	
103	OA249/20	Nashik Mumbai	Adv.S R Sapkal (Vivek V Nikam) <u>Adv.S Y Shinde for R.Nos.4 to 7</u>	Seniority List	Reply filed By R-1 to R-7	

Date: -22/02/2024

D.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP43/22 In OA519/21	Beed	Adv.J.M. Murkute (Usha A Gaikwad & Ors.)	Contempt Petition	Await Service	2.4.2024
2	CP46/23 In OA347/21	P'rbn	Adv R L Jakhade/ Adv S A Kulkarni (Suresh K Bharati)	Contempt Petition	Await Service	2.4.2024

3	CP57/23 In OA317/23	Dharashiv	Adv R A Joshi (Triyambak G Mehatre)	Contempt Petition	For Filing Affidavit in Rejoinder	28.2.2024
4	TA11/22 WP7659/22	Latur	Adv A N Sabnis (Dr. Shaikh Aizaz Iqbal Ahmed)	Challenging G.R	Await Service R-1 & For Filing Affidavit in Reply R-2 & R-3	2.4.2024
5	TA13/22 WP8626/22	Dhule	Adv Vaishali Suryawanshi- Birajdar (Sudam S Mahajan) <u>Adv A S Deshmukh</u> For R-6	Departmental Enquiry	Reply Filed By R-1 & R-2 & R-6	2.4.2024
6	OA661/22	J'gaon	Adv.Suchita Dhongde <u>Suchita Dhongde has</u> <u>Filed leave note From</u> <u>13.02.2024 to</u> <u>23.02.2024</u> (Dilip S Taru)	Supernumery Post	One More Last Chance For Filing Affidavit in Reply	28.3.2024
7	OA1151/22	Beed	Adv.R.A. Joshi (Samadhan J Gaikwad)	Appointment	Await Service & Reply Filed By R-3	4.4.2024
8	OA1163/22	Latur	Adv.Ajay S Deshpande (Dr. Salim Gulab Shaikh & Ors.)	Final Seniority List/ Promotion	Reply Filed By R-1	4.4.2024
9	OA18/23	Jalna / Hingoli	Adv Vidya A Taksal (Prakash S Jadhav & Ors.)	Promotion	For Filing Affidavit in Rejoinder	4.4.2024
10	OA364/23	O'bad	Adv A S Bayas (Dilip R Adatrao)	Selection Process	For Filing Affidavit in Rejoinder	11.3.2024
11	OA601/23	Beed	Adv S R Kedar (Santosh S Kasbe)	Selection Process (MPSC)	For Filing Affidavit in Reply	5.4.2024
12	OA861/23	Dhule	Adv Suchita Dhongde <u>Adv Suchita</u> <u>Dhongde has Filed</u> <u>leave note From</u> <u>13.02.2024 to</u> <u>23.02.2024</u> (Rajendra J Pawar)	Dismissal From Service	For Filing Affidavit in Reply	23.3.2024
13	OA869/23	O'bad	Adv Vivek G Pingle/ Adv Pallavi Karhadkar (Tanaji P Hanwate) <u>Adv N J Patil For</u> <u>R-3</u>	Departmental Enquiry Promotion	Reply Filed By R-1	18.3.2024

14	OA876/23	Jalgaon	Adv Bharat R Waramaa (Umakant B Patil)	Selection Process	For Filing Affidavit in Rejoinder	18.3.2024
15	OA897/23	Latur	Adv H P Jadhav (Dhanraj B Gaikwad) <u>Adv D T Devane For R-5, R-10 & R-11</u>	Seniority List	Last Chance For Filing Affidavit in Reply	13.3.2024
16	OA994/23	Latur	Adv H P Jadhav (Trimbak D Chavan)	Seniority List	Last Chance For Filing Affidavit in Reply	13.3.2024
17	OA1046/23	Nanded	Adv.V.B. Dhage (Wasimakaran Hakim Shaikh)	Selection Process	For Filing Affidavit in Reply	13.3.2024
18	OA07/24	Jalgaon	Adv C V Dharurkar/ Adv Vinay Muley-Dharurkar (Vilas R Ghule)	Departmental Enquiry	For Filing Affidavit in Reply	11.3.2024
19	OA145/24 With Caveat No. 43/24 to 70/24	A'bad [Chh.S. nagar]	Adv Neha B Kamble (Rameshwar V Hadbe & Ors.) <u>Adv R R Avhad/ Adv K V Patil For Caveater</u>	Selection Process	Await Service R-1	1.3.2024
20	OA177/24	Jalna	Adv Ajay S Deshpande (Gajendra R Vasmatkar & Anr.)	Selection Process	For Filing Affidavit in Reply	13.3.2024
Order Matters						
21	MA211/23 In OA595/2	A'bad	Adv V B Wagh (Dr. Datta M Dhanve)	M.A For Interim Relief	Await Service	5.4.2024
22	MA220/23 In TA01/19 WP11496/19	A'bad	Adv.S.S. Thombre/ Adv.S D.Joshi (Sonali S Varwate & Ors.)	M.A. For Directions	Await Service	28.2.2024
23	MA223/23 In MA12/22 In OAS1746/21	Nanded	Adv S B Patil (Keshawrao W Pawar)	M.A For Amendment	Reply Filed By R-1 to R-5	8.4.2024
24	MA23/24 In OA1120/23	Ch.S. Nagar	Adv R R Awhad/ Adv Kalyan V Patil (Vishal B Tayade & Ors.) <u>Adv BN Magar-Patil in OA 1120/23</u> (Satule C Virabhadra & Ors.)	M.A For Intervention	For Filing Affidavit in Reply in MA & For Filing Affidavit in Reply in O.A	1.3.2024

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)

Date: -22/02/2024

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	OA631/21	Nanded	Adv A B Rajkar (Shamsundar K Surywanshi) <u>Adv V C Solshe For R-2 & R-3</u>	Time Bound Promotion/ ACPS	For Filing Affidavit in Rejoinder	3.4.2024
2	OA722/21	Nanded	Adv A B Rajkar (Ashok K Bhalerao & Ors.) <u>Adv Mahesh C Swami For R-2 to R-6</u>	Benefit of Time Bound Promotion & ACPS	For Filing Affidavit in Rejoinder	Disposed of
3	OA575/22	Nanded	Adv Anant D Gadekar (Yayati T Ghorband)	Refund of Recovered Amount	For Filing Affidavit in Reply of other Respondents	23.03.2024
4	OA576/22	Beed	Adv Anant D Gadekar (Subhash H Puri)	Refund of Recovered Amount	For Filing Affidavit in Reply R-4	20.03.2024
5	OA957/22	A'bad	Adv Suchita Dhongde <u>Adv Suchita Dhongde has Filed Leave note from 13.02.2024 to 23.02.2024</u> (Mamik S Desale & Ors.) <u>Adv Suchita Dhongde For Added Applicant-11</u>	Benefits of T.B.P. & A.C.P.S	For Filing Affidavit in Reply	3.04.2024
6	OA1155/22	A'nagar	Adv L V Sangit / Adv Mrs. M L Sangit (Sagar A Zinzurde)	Compassionate Appointment Direction	As a Last Chance For Filing Affidavit in Reply	03.04.2024
7	OA221/23	A'bad	Adv Dr. Kalpalata Patil- Bharaswadkar (Govind D Marewad & Ors.)	Increment	For Filing Affidavit in Reply	28.03.2024

8	OA521/23	P'rbn	Adv J S Deshmukh (Dr. Meena R Latpate) <u>Adv D T Devane For R-4</u> <u>Adv Sunil D Kaldate For R-4</u>	Maternity Leave	Reply Filed By R-1 to R-3	28.03.2024
9	OA674/23	Latur	Adv S L Bhapkar (Vithal H Awale)	Recovery/ Refund of Recovered Amount	For Filing Affidavit in Reply	14.03.2024
10	OA998/23	Latur	Adv A S Bayas (Goroba S Barde)	Increment	Reply Filed By R-4 For Filing Affidavit in Reply	26.03.2024
11	OA1025/23	Jalgaon	Adv N N Bhagwat/ Adv Sajid S Shaikh (Sangita B Lonari) <u>Adv Girish V Wani For R-4</u>	Police Patil	For Filing Affidavit in Reply	27.03.2024
12	OA1077/23	Beed	Adv V B Wagh/ Adv A S Therokar/ Adv V P Adkine (Dr. Yashwant B Khose)	Pension	For Filing Affidavit in Reply	27.03.2024
13	OA49/24	P'rbn	Adv S S Thombre (Dr. Santosh R Dhond)	Arrears of Salary	Await Service	20.03.2024
14	OA50/24	P'rbn	Adv S S Thombre (Dr. Neha S Nagargoje)	The Arrears of the Salary	Await Service	20.03.2024
Order Matters						
15	MA260/22 In OAS723/22	A'bad	Adv C V Thombre (Sharad S Kappa)	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	28.03.2024
16	MA373/23 In OAS726/23	Beed	Adv S D Joshi (Rameshwar S Jadhav) <u>Adv S B Patil For R-3</u>	M.A For Condonation of Delay	As a Last Chance For Filing Affidavit in Reply	21.03.2024
17	MA485/23 In OAS71450/23	Jalna	Adv V G Deshmukh/ Adv S S Tope (Balbir Singh Jagannath Prasad Tyagi)	M.A For Condonation of Delay	For Filing Affidavit in Reply	26.03.2024

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 : 22.02.2024

ORAL ORDER :

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

2. By this Original Application the applicant is seeking direction to consider his case for placement in the scale of Rs. 5200-20200 w.e.f. the date of his appointment i.e. 25.02.2009 along with arrears.

3. In paragraph No. 3 of the affidavit in reply filed on behalf of respondent Nos. 3 & 4 it is stated as follows:-

“3. I say and submit that, as per the order passed by the Divisional Commissioner, Nashik Division, Nashik dated 05.07.2018 the applicant was absorbed in the office of respondent no.4 on the post of Peon Class-IV initially in the pay scale of Rs. 4440-7440+1900/-. I further humbly say and submit that, as per the Government Corrigendum dated 27.02.2019 the pay of the Class-IV post was revised and fixed in the scale of as Rs. 5200-20200+1900/- and considering the said corrigendum the applicant's pay was fixed by respondent No.4 in Scale Rs.5200-20200+1900/- and accordingly, the

//2// O.A. 940/2019

respondents have paid the said pay scale to the present applicant.”

4. It appears that the respondent authorities have taken corrective measures in terms of the Government Corrigendum dated 27.02.2019. However, it is not cleared from the statement made on behalf of respondents in paragraph No. 3 as to whether the applicant was granted arrears from the date of his appointment i.e. 25.02.2009 or not.

5. In terms of prayer clause 'B' of this O.A., the applicant is seeking arrears from the date of his appointment.

6. Learned counsel for the applicant seeks time to take specific instruction in this regard.

7. Part heard.

8. S.O. to 26.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.568 OF 2020
(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 26.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 22.02.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant has filed a **leave note**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 02.04.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 829 OF 2022
(Musaddiq Ahmed Madni Masood Ahmed Madni Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant has filed a **leave note**. Shri S.G. Kulkarni, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 02.04.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 1109 OF 2022
(Sanjeev R. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant has filed a **leave note**. Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 02.04.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 22 OF 2023
(Sudhakar O. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 28.02.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 413 OF 2023
(Raosaheb S. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 18.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 763 OF 2023
(Angad T. Navatakke Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 26.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 689 OF 2018
(Prakash S. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 02.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 255 OF 2019
(Subhash D. Thale Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 02.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 365 OF 2019
(Nilesh W. Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned counsel for respondent No. 2, are present.

2. Learned counsel for the applicant submits that in terms of order passed by this Tribunal, the record has been called from the department and the same has been received and it is in the office of C.P.O.

3. S.O. to 18.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 405 OF 2019
(Shishupal S. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 02.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 540 OF 2019
(The Maharashtra State Gazetted Veterinary Officer's Union
Through its Vice President Dr. Nilkanth S. Mane Vs. State of
Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicant and Shri S.G. Kulkarni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 512 OF 2020
(Shubash L. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 03.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 522 OF 2020
(Prakash D. Bharambe Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant has filed a **leave note**. Shri S.G. Kulkarni, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 02.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 113 OF 2021
(Vajinath B. Navande Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

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

MEMBER (J)

ORIGINAL APPLICATION NO. 175 OF 2021
(Ajay R. More Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 689 OF 2021
(Ajay R. More Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicants in both the O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities in both the O.As, are present.

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

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 558 OF 2021
(Prakash S. Aghav Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer has produced the copy of order dated 11.04.2023 and submits that the applicant has been transferred and posted at Gondiya. The copy of said order dated 11.04.2023 is taken on record and marked as document 'X' for the purpose of identification.

3. Learned counsel for the applicant seeks time to take specific instruction as to whether the applicant wants to prosecute this O.A. further or not.

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

MEMBER (J)

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

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 03.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 484 OF 2022
(Jayendra P. Ahire Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 03.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

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 : 22.02.2024

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. S.O. to 18.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 22.02.2024

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 : 22.02.2024

ORAL ORDER :

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

2. Not on board. Taken on record.

3. Learned P.O. submits that even though the date was given today, however, the matter is not listed.

4. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 & 3 along with spare copy for the applicant. The same is taken on record.

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

6. List the matter for admission hearing /for filing affidavit in rejoinder, if any on 29.02.2024.

MEMBER (J)

M.A. No. 403/2021 in O.A. St. No. 1539/2021
(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. There is a delay of 2095 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that by order dated 01.08.1983 the applicant was brought on converted regular temporary establishment (CRTE). The Government in Irrigation Department resolved to create a cadre of Civil Engineering Assistant by clubbing various technical posts. Similarly, the Public Works Department also adopted a decision to create cadre of Civil Engineering Assistant. The said Civil Engineering Assistant cadre is feeder cadre for the post of Junior Engineer by way of promotion subject to condition of serving as Civil Engineering Assistant for three years coupled with passing of qualifying examination of the post of Junior Engineer. The respondent No. 1

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M.A. 403/2021 in
O.A. St. 1539/2021

in resolution dated 31.07.2013 took a policy decision of granting exemption from passing qualifying examination for the post of Junior Engineer on attaining the age of 45 years.

4. Learned counsel for the applicant submits that the applicant has attained the age of 45 years on 07.08.2005. By order dated 29.05.2015, the applicant was absorbed in the cadre of Civil Engineering Assistant w.e.f. 07.08.2005 and by the said order, he was also exempted from passing qualifying examination. By order dated 24.06.2015, the applicant was granted second benefit under ACPS w.e.f. 01.08.2007 and pay scale of the applicant came to be fixed and in the month of April 2014, salary was paid to the applicant treating the basis of Rs. 14,640/-. However, in the month of June, 2014, he was paid the salary treating his basic pay as Rs. 13,215/-.

5. Learned counsel for the applicant submits that the applicant noticed variation in payment of salary even in the month of July 2014 and August, 2014 respectively. The applicant therefore, filed an

//3//

M.A. 403/2021 in
O.A. St. 1539/2021

application dated 20.09.2014 in the office of respondent No. 4 informing therein that he was paid less salary from the month of April 2014 to August, 2014 and prayed for reimbursement. In the year 2005, the respondent No. 5 has carried out exercise of revised pay fixation of the applicant as Road Karkoon. When the said pay fixation was submitted to the Pay Verification Unit, however the said objection raised by the Pay Verification Unit is still not removed. However, the said unjust treatment in the payment of salary remained continued for the month of June 2015, April, 2016 and February, 2017 onwards. The applicant was paid the salary based upon the basic pay less than the basic pay of April 2014. Learned counsel submits that in terms of the internal communication dated 15.11.2017 between respondent No. 4 and 5, it reveals that the respondent No. 4 shown inability for making payment of arrears, as the service book of the applicant was sent to the Pay Verification Unit, Aurangabad. On 23.05.2018, the respondent No. 4 has passed an order for revising the pay fixation of the applicant and it was submitted to the Pay

//4//

M.A. 403/2021 in
O.A. St. 1539/2021

Verification Unit for sanction on 24.05.2018. However, the Pay Verification Unit only sanctioned the pay fixation as a Civil Engineering Assistant and ignored to sanction the revised pay fixation as Junior Engineer.

6. Learned counsel for the applicant submits that though the applicant has filed several representations to the respondent authorities, they have failed to take effective steps to redress the grievance of the applicant in respect of payment of arrears of salary. Learned counsel submits that the applicant finally retired on 31.08.2018; however, the cause of action is still persisting, since the applicant has not been paid the arrears of salary. Learned counsel submits that there is no inaction on part of the applicant and there is no deliberate or intentional delay as such. Thus the application seeking condonation of delay deserves to be allowed.

7. Learned Presenting Officer has strongly resisted the application mostly on the ground that there is an inordinate delay, for which the applicant has failed to submit satisfactory explanation.

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M.A. 403/2021 in
O.A. St. 1539/2021

Learned P.O. submits that date is not mentioned in the application, from which the limitation period begun. Learned P.O. submits that the application seeking condonation of delay is vague and the same is liable to be dismissed.

8. It appears that in the year 1978, the applicant came to be appointed as Road Karkoon on daily rated establishment and subsequently, his services were brought on work charge establishment. The Irrigation and Public Works Department took a policy decision to create cadre of Civil Engineering Assistant by clubbing various technical posts. By order dated 29.05.2015, the applicant was absorbed in the cadre of CEA w.e.f. 07.08.2005.

9. It appears that thereafter the applicant was granted concession for undergoing the qualifying examination upon attaining the age of 45 years and the applicant was granted first ACPS and second benefits of ACPS. However it appears that thereafter continuously there is a variation in the payment of salary of the applicant and despite the persistent representations submitted by the applicant, his

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M.A. 403/2021 in
O.A. St. 1539/2021

grievances were not redressed and finally the applicant came to be retired on 31.08.2018. It further appears that the department has not acted upon the representations submitted by the applicant. The applicant has filed the Original Application with a limited prayer to issue directions to the respondents to consider the representations submitted by the applicant in its proper perspective.

10. In view of the same, I do not think that there is an intentional or deliberate delay. There is no inaction on part of the applicant. Though the delay is inordinate one, still the department under one or another pretext has not redressed the grievance raised by the applicant. Considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

(i) The Misc. Application No. 403/2021 is hereby allowed.

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M.A. 403/2021 in
O.A. St. 1539/2021

(ii) The delay of 2095 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 1000/- (One Thousand only) to be paid by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

(iv) The M.A. accordingly disposed of.

MEMBER (J)

O.A. St. No. 1539/2021

(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 03.04.2024.
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 03.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A. No. 463/2023 in O.A. St. No. 1876/2023
(Sangita P. Sonhivre @ Munde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)
DATE : 22.02.2024

ORAL ORDER :

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

2. There is a delay of 160 days caused in filing the accompanying Original Application.

3. It appears that the impugned order was not communicated to the applicant and only after filing of the application under the provisions of Right to Information Act, the applicant got information about passing of the impugned order. In the process of obtaining the said information, the delay seems to have been occurred. There is no inaction on part of the applicant nor there is deliberate or intentional delay as such.

4. In view of above submissions and for the reasons stated in the application, the M.A. No. 463/2023 is hereby allowed. The delay of 160 days caused in filing the accompanying O.A. is hereby condoned. Accompanying O.A. be registered and numbered in accordance with law. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

O.A. St. No. 1876/2023

(Sangita P. Sonhivre @ Munde Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. After registration, issue notices to the respondents, returnable on 04.04.2024.
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 04.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**MA St. 2405/2023 in MA St. 2404/2023 in OA
St. 2406/2023**

(Popat S. Pote & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The office has raised an objection that the recovery order and date is not mentioned in the Original Application.

3. Learned counsel for the applicants submits that the department has not passed any formal order for recovery of amount. However, the amount has been recovered from the gratuity amount of both the applicants. The applicant No. 1 came to know about the same only after the receipt of the pension book on 24.11.2021, whereas the applicant has received pension book on 26.08.2022. Both the applicants thereafter came to know that the certain amount came to be recovered from their retiral benefits.

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4. In view of the above submissions, the dates of said recovery order may not be relevant at this stage and the respondent authorities may clear it in their affidavit in reply.

5. Both the applicants retired from the Home Department and they have common cause of action and they are also seeking the same relief.

6. In view of the same and for the reasons stated in the application, the M.A. St. No. 2405/2023 is hereby allowed and the applicants are permitted to sue jointly, subject to payment of court fee stamps, if not paid. The M.A. St. No. 2404/2023 be registered and numbered by taking in to account other office objection/s, if any.

7. Accordingly, M.A. stands disposed of. No order as to costs.

MEMBER (J)

M.A. St. No. 2404/2023 in O.A. St. No. 2406/2023
(Popat S. Pote & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Upon registration, issue notices to the respondents in M.A., returnable on 04.04.2024.
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 04.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 674 OF 2023
(Vithal H. Awale Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri S.L. Bhapkar, 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 Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 14.03.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

M.A. No. 260/2022 in O.A. St. No. 723/2022
(Sharad S. Kappa Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Smt. Sumedha C. Thombre, learned counsel holding for Shri C.V. Thombre, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

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

3. List the matter for hearing on 28.03.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

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

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

DATE : 22.02.2024

ORAL ORDER :

Shri N.N. Bhagwat, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.R. Wani, learned counsel holding for Shri Girish Wani, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent Nos. 1 and 2 will be filed.

3. At the request of learned counsel for respondent No. 4, time is granted for filing affidavit in reply.

4. S.O. to 27.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 950 OF 2023
(Amarsing C. Kawale Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Smt. Archana Therokar, 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, time is granted for filing rejoinder affidavit.

3. S.O. to 26.03.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1077 OF 2023
(Dr. Yashwant B. Khose Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Smt. Vijaya Adkine, 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 as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 27.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2022
(Yayati T. Ghorband Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri A.D. Gadekar, 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 Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1, 2 & 4, if any.

3. S.O. to 20.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 576 OF 2022
(Subhash H. Puri Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri A.D. Gadekar, 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 as a last chance for filing affidavit in reply on behalf of respondent Nos. 3 & 4, if any.

3. S.O. to 20.03.2024.

MEMBER (J)

M.A. No. 373/2023 in O.A. St. No. 1267/2023
(Rameshwar S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent No. 3, are present.

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

3. List the matter for hearing on 21.03.2024 with liberty to the other side to file affidavit in reply till then.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 521 OF 2023
(Dr. Meena R. Latpate Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present. Shri D.T. Devane / S.D. Kaldate, learned counsel for respondent No. 4, is **absent**.

2. Learned counsel for the applicant submits that the different affidavit in reply has been filed in the present matter. Learned counsel has made it clear that the O.A. number is the same, however the name of the party is different and subject matter of the reply is also different.

3. Learned Presenting Officer also accepted the same.

4. In view of above, returned the said affidavit in reply to the C.P.O. office.

5. S.O. to 28.03.2024 for filing affidavit in reply on behalf of respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 1155 OF 2022
(Sagar A. Zinzurde Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

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

3. List the matter for admission hearing on 03.04.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 669 OF 2023
(Manojkumar A. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application.

3. Leave granted. The Original Application stands disposed of as withdrawn. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 795 OF 2022
(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. It is a part heard matter. By consent, S.O. to 13.03.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 1113 OF 2022
(Dinesh U. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. It is a part heard matter. By consent, S.O. to 13.03.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

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

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

DATE : 22.02.2024

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. It is a part heard matter. By consent, S.O. to 18.03.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 597 OF 2023
(Ashsih N. Hiware Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

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. It is a part heard matter. By consent, S.O. to 01.03.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 732 OF 2021
(Dashrath D. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. By consent, S.O. to 28.02.2024 for hearing in **urgent admission category.**

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 200 OF 2024
(Ravindra S. Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 07.03.2024.
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 07.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 199 OF 2024
(Jeevan Khiru Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 14.03.2024.
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 14.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A. No. 31/2024 in O.A. St. No. 2484/2023
(Dr. Balkrishna N. Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Heard Shri P.R. Tandale, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 02.04.2024.
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 02.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 895 OF 2018
(Murlidhar E. Sakhare & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants, Shri D.R. Patil, learned Presenting Officer for the respondent authorities, Shri A.D. Gadekar, learned counsel for respondent Nos. 2 & 4 and Shri S.B. Mene, learned Special counsel for respondents, are present.

2. By consent, S.O. to 03.04.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 691 OF 2023
(Shivaji P. Gurav Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 03.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 690 OF 2023
(Ghanrasekhar A. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

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. By consent, S.O. to 03.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

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

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

DATE : 22.02.2024

ORAL ORDER :

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

2. By consent, S.O. to 03.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 894 OF 2018
(Shivaji B. Satote Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4, are present.

2. By consent, S.O. to 03.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 773 OF 2018
(Shivaji B. Satote Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 2, are present.

2. By consent, S.O. to 03.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

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

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

DATE : 22.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present. Shri S.D. Dhongde, learned counsel for respondent Nos. 2 & 3 (**Leave Note**).

2. By consent, S.O. to 03.04.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 416 OF 2019
(Arjun M. Maskar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present. Shri S.D. Dhongde, learned counsel for respondent Nos. 2 & 3 (**Leave Note**).

2. By consent, S.O. to 03.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 832 OF 2017
(Ramkrishan K. Mhaske & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 03.04.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 127 OF 2021
(Ambar B. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. By consent, S.O. to 03.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 356 OF 2023
(Sharad Pandurang Jare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)
and
Hon'ble Smt. Medha Gadgil, Member (A)

DATE : 22.02.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri K.G. Salunke, learned counsel for respondent No. 3.

2. We have heard learned counsel for some time.

3. Learned counsel for the applicant seeks time to place on record G.R. dated 15.12.2017 and judgment and order passed in O.A. No. 70/2023. Time granted.

4. Learned Presenting Officer also seeks time. Time granted.

5. Part heard.

6. S.O. to 27.02.2024 at 03.30 p.m.

MEMBER (A)

MEMBER (J)

M.A.NO.441/2023 IN O.A.NO.659/2021
M.A.NO.442/2023 IN O.A.NO.661/2021
M.A.NO.443/2023 IN O.A.NO.183/2022
M.A.NO.444/2023 IN O.A.NO.185/2022
M.A.NO.445/2023 IN O.A.NO.186/2022
(Sushilkumar B. Rakh & Ors. Vs. State of
Maharashtra & Ors.)

O.A.NOS.878/2022, 907/2022 to 912/2022,
1101/2022, 1103/2022, 1104/2022, 1105/2022,
986/2022, 998/2022, 1054/2022, 1076/2022,
167/2023, 985/2022, 1077/2022, 1078/2022,
63/2023, 707/2022, 658/2021, 660/2021,
182/2022, 184/2022, 187/2022, 391/2022,
428/2022, 429/2022,
(Dattatray A. Galgate & Ors. Vs. State of
Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.02.2024

ORAL ORDER :

Shri M.S. Karad, learned counsel for the applicants
in all these matters and Shri M.S. Mahajan, learned
Chief Presenting Officer for the respondent authorities in
all these matters, are present.

2. S.O. to 23.02.2024.

MEMBER (A)

ARJ ORAL ORDER 22.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 190/2024
(Parag Sitaram Wagh Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.02.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 08.04.2024.
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 08.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 197/2022
(Abhijit V. Bharane Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.02.2024

ORAL ORDER :

Heard Shri G.K. Muneshwar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Arguments of both the sides are concluded.
The matter is reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 22.02.2024

**O.A. NOS. 246, 238, 239, 242, 243, 244, 245, 248 AND
249 ALL OF 2020**
(Shri Balu S. Sumbe Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.02.2024

ORAL ORDER :

Heard Shri S.R. Sapkal, learned counsel for the applicants in all these matters, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters and Shri Y.S. Shinde, learned counsel for respondent nos. 4 to 7 in all these matters.

2. Arguments are concluded. The matters are reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 22.02.2024

ORIGINAL APPLICATION NO. 861/2022
(Rajendra J. Pawar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.02.2024

ORAL ORDER :

Shri U.T. Sonawane, learned counsel has filed his V.P. for the applicant by taking NOC from erstwhile counsel Smt. Suchita Dhongde. It is taken on record.

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

2. Learned Presenting Officer seeks time to file the affidavit in reply. Time granted.
3. S.O. to 28.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 132 OF 2024
(Mohan S/o. Raosaheb Doiphode Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)
DATE : 22.02.2024

ORAL ORDER :

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

2. The respondents had published the advertisement bearing No. 10/2023 on 08.06.2023, thereby calling applications from the eligible candidates for the post of Van Rakshak, Class-C. The applicant accordingly applied for the said post and also appeared for the written examination. The applicant however, could not score the minimum marks i.e. cutoff and hence, was not allowed to participate in the further process of selection. Aggrieved by the same, the applicant has approached this Tribunal by filing the present Original Application.

3. Learned counsel for the applicant submitted that clause 8.1.5 is discriminatory and, as such, deserves to be quashed and set aside and consequently the entire selection process deserves to be quashed or the applicant needs to be permitted to participate in the further process of selection.

4. When a query was made by us, whether before participating in the selection process the applicant had raised any objection to the said clause, it is informed that the applicant did not raise any challenge to the said clause before participating in the selection process. In view of the fact that without raising any challenge to the said clause when the applicant has participated in the selection process, in view of the law laid down by the Hon'ble Apex Court in the case of **Manish Kumar Shahi Vs. State of Bihar, (2010) 12 SCC 576**, the applicant now cannot raise any challenge to the said clause.

5. Learned counsel submitted that in the case of **Dr. (Major) Meeta Sahai Vs. State of Bihar & Ors., Civil Appeal No. 9482/2019 (Arising out of Special Leave Petition (Civil) No. 12245/2017**, the Hon'ble Apex

Court has made some distinction and has analysed the law laid down in the Manish Kumar Shahi (cited supra). Learned counsel invited our attention to the observations made in the said judgment in paragraph No. 18. We deem it appropriate to reproduce the said paragraph herein-below, which reads thus:-

“18. However, we must differentiate from this principle insofar as the candidate by agreeing to participate in the selection process only accepts the prescribed procedure and not the illegality in it. In a situation where a candidate alleges misconstruction of statutory rules and discriminating consequences arising therefrom, the same cannot be condoned merely because a candidate has partaken in it. The constitutional scheme is sacrosanct and its violation in any manner is impermissible. In fact, a candidate may not have locus to assail the incurable illegality or derogation of the provisions of the Constitution, unless he/she participates in the selection process.”

6. There cannot be a dispute about the observations made and the findings recorded as above by the Hon’ble Apex Court. It however, does not appear to us that the same would apply to the facts and circumstances involved in the present

matter. Clause 8.1.5 provides that candidates shall score minimum 45% marks in the online examination and the said candidates only would be eligible to participate in the further selection process. The restriction as has been imposed by the respondents is a reasonable restriction. It, therefore, cannot be alleged as illegal, arbitrary or unconstitutional. The applicant has been disqualified since he has not secured the minimum prescribed marks and on that sole ground he is debarred from participating in the further selection process.

7. In view of the facts as above, according to us, no ground is made out by the applicant even for issuance of the notices to the respondents. There appears no propriety in keeping the matter pending. Hence, the following order: -

ORDER

The Original Application stands dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

REV. NO. 08/2017 IN O.A.NO. 498/2013
(Shivraj D. Hawanna Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 23.02.2024 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

M.A.NO. 67/2021 IN O.A.ST.NO. 268/2021
(Chikahayakanahalli Doddaiah Krishnaiah Setty Vs. State of
Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 4, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

M.A.ST.NO. 87/2024 IN O.A.ST.NO. 88/2024
(Monali Yashwant Karande Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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, are present.

2. Learned counsel for the applicant seeks leave to add the affected candidates as party respondents in the present matter. Leave granted as prayed for. The necessary amendment be carried out within one week from today.

3. S.O. to 06.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

**M.A.ST.NO. 89/2024 IN O.A.ST.NO. 90/2024
(Ruhi Ravindra Aher Vs. State of Maharashtra & Ors.)**

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

DATE : 22.02.2024

ORAL ORDER :

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, are present.

2. Learned counsel for the applicant seeks leave to add the affected candidates as party respondents in the present matter. Leave granted as prayed for. The necessary amendment be carried out within one week from today.

3. S.O. to 06.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

**ORIGINAL APPLICATION ST.NO. 2247 OF 2023
(Kaka Bhanudas Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 22.02.2024

ORAL ORDER :

Shri S.A. Wakure, 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 08.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

M.A.NO. 580/2023 IN O.A.NO. 1007/2023
(Priyanka P. Lagad & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri S.A. Mulla, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel submits that matters filed before the Hon'ble High Court have some nexus with the present matter. He has, therefore, sought time. Granted.

3. S.O. to 03.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

C.P.NO. 17/2024 IN O.A.NO. 650/2022
(Umabai Madhav Mane & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri Vivek G. Pingle, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 29.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

C.P.NO. 18/2024 IN O.A.NO. 06/2022
(Ramesh N. Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri Vivek G. Pingle, 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 counsel for the applicant, S.O. to 29.02.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

**M.A.NO. 220/2023 IN T.A.NO. 01/2019 (W.P.11496/19)
(Sonali Shrimant Varwate & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.02.2024

ORAL ORDER :

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

2. In the present matter previously Shri S.S. Thombre was appearing on behalf of the applicant. Now learned counsel Shri S.D. Joshi is appearing on behalf of the applicant. The name of previous learned counsel Shri S.S. Thombre be removed and the name of learned counsel Shri S.D. Joshi is now be inserted.

3. If the copy of M.A. is not received to the learned P.O., the applicant shall give the copy of the same to learned P.O.

4. M.A. and O.A. both be heard together. S.O. to 28.02.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 11/2024 IN O.A.NO. 372/2019
(Dr. Sanjay V. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. Learned counsel submits that matters filed before the Hon'ble High Court have some nexus with the present matter. He has, therefore, sought time. Granted.

3. Learned P.O. submits that against the order passed by this Tribunal W.P. has been filed and it is coming for admission on 26th of this Month. As such, the matter stands adjourned to 28.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 1046 OF 2023
(Wasimakaran Hakim Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel holding for SHri V.B. Dhage, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 897 OF 2023
(Dhanraj B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 5, 10 & 11, are present.

2. Today, learned P.O. has again sought time for filing affidavit in reply. Already last chance was given to the respondents. Therefore, the request stands rejected. List the matter for hearing on 13.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 994 OF 2023
(Trimbak Dasu Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. Today, learned P.O. has again sought time for filing affidavit in reply. Already last chance was given to the respondents. Therefore, the request stands rejected. List the matter for hearing on 13.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 177 OF 2023
(Gajendra Rangnath Vasmatkar & Anr. Vs. State of Maharashtra
& Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record.

3. S.O. to 13.03.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 590 OF 2023
(Rajendra A. Shirsat Vs. State of Maharashtra & Ors.)**

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 11.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 18 OF 2023
(Prakash Shivaji Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Smt. Vidya Taksal, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicants.

3. S.O. to 04.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 01 OF 2022
(Vishnu Bapurao More Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 02 OF 2022
(Shantilal D. Hiwarale Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

**ORIGINAL APPLICATION NO. 601 OF 2023
(Santosh S. Kasbe Vs. State of Maharashtra & Ors.)**

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

DATE : 22.02.2024

ORAL ORDER :

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

2. Learned P.O. has again asked for time for filing affidavit in reply. Considering the order passed on the previous date, the request is rejected. The matter be listed for hearing without affidavit in reply of the respondents.

3. S.O. to 05.04.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

**C.P.NO. 43/2022 IN O.A.NO. 519/2021
(Usha Anil Gaikwad & Anr. Vs. State of Mah & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.02.2024

ORAL ORDER :

Shri Goraknath Kedare, learned counsel holding for Shri J.M. Murkute, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicants prays for issuance of fresh notices to the respondents. The request is accepted. Issue fresh notices to the respondents, returnable on 02.04.2024.
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 02.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

ORIGINAL APPLICATION NO. 145 OF 2024
(Rameshwar V. Hadbe & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 22.02.2024

ORAL ORDER :

Ms. Neha Kamble, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, Shri R.R. Avhad, learned counsel for Caveator, are present.

2. Respondent No. 1 is deemed to have been served.

3. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the other side.

4. Learned Presenting Officer made a statement that no appointment order is likely to be issued in the next week also.

5. Shri Avinash S. Deshmukh, learned counsel appeared today and submits that he has instructions from respondent Nos. 3 to 6 to appear on their behalf. He has sought time for filing affidavit in reply on behalf of the said respondents. Time granted.

5. List the matter for hearing on 01.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 07 OF 2024
(Vilas Ramdas Ghule Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

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

2. S.O. to 11.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 22.02.2024-HDD

1. ORIGINAL APPLICATION NO. 676 OF 2021

(Navnath J. Kachare Vs. State of Maharashtra & Ors.)

2. ORIGINAL APPLICATION NO. 722 OF 2021

(Ashok K. Bhalerao & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.02.2024

ORAL ORDER :

Heard Shri A.B. Rajkar, learned counsel for the applicants in both the O.As., Shri B.S. Deokar and Shri N.U. Yadav, learned Presenting Officers for the respondent authorities in respective O.As. and Shri A.D. Gadekar, learned counsel for respondent Nos. 5 & 6 in O.A.No. 676 of 2021.

Shri Mahesh C. Swami, learned counsel for respondent Nos. 2 to 6 in O.A.No. 722/2021 is **absent**.

2. Heard finally with the consent of parties at admission state.

3. All these applicants in the aforesaid Original Applications are the similarly situated employees, retired from the same department. In view of same, these Original Applications are taken together for discussion and decided by the common order.

//2//

4. The applicants have already been absorbed on the post of Civil Engineering Assistant in view of Recruitment Rules dated 26.02.2002 and 19.02.2002 and they are seeking direction to absorb them subsequently after 03 years from absorption on the post of Civil Engineering Assistant to the post of Junior Engineer. They have granted 1st and 2nd time bound promotional pay scale as Jr. Engineer and Sub-Divisional Officer respectively on the relevant dates as detailed in the O.As.

5. Learned counsel for the applicants submits that the respondent Nos.1 and 4 are competent authorities in O.A.No. 676/2021 and in O.A.No. 722/2021, the respondent Nos. 1 & 3 are the competent authorities to take appropriate decision in respect of reliefs claimed by the applicants.

6. The Superintending Engineer, Mechanical Circle, Nanded and respondent Executive Engineer, Mechanical Division (UPP), Nanded have forwarded detailed proposal to respondent Superintending Engineer, Vigilance Cell and Irrigation Circle, Aurangabad for appropriate decision.

//3//

7. Learned counsel for the applicants further submits that now the respondent Deputy Divisional Officer, Vigilance Cell, Aurangabad Circle, Aurangabad, Irrigation Department Aurangabad has forwarded the common proposal dated 23.06.2022 including the present applicants to the respondent No.1 for appropriate decision in the matters. However, the said common proposal is still pending and yet not decided by the respondent No.1 till this date.

8. Learned counsel for the applicants in these applications submits that the applicants are pressing their Original Applications only to the extent of giving directions to respondent No.1 to decide the said proposal dated 23.06.2022 as expeditiously as possible in time bound manner.

9. Learned counsel for the applicants has brought to my notice that this Tribunal has passed order 31.01.2024 in respect of similarly situated employees from the same department thereby directing the respondent No.1 to decide the common proposal dated 23.06.2022, if it is pending, as

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expeditiously as possible preferably within a period of three months from the date of the order.

10. In view of same, since the applicants are seeking directions by not pressing the other prayers made in the Original Applications, I proceed to pass the following order:-

ORDER

- (A) Both the Original Applications are hereby partly allowed.
- (B) The respondent No.1 is hereby directed to decide the common proposal dated 23.06.2022, if it is pending, as expeditiously as possible preferably within a period of three months from the date of this order on its own merits.
- (C) In the circumstances, there shall be no order as to cost.
- (D) Both the Original Applications are disposed of.

MEMBER (J)

ORIGINAL APPLICATION NO. 470/2018 WITH M.A. NO. 351/2020
(Mahadabai G. Dhulekar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)
DATE : 22.02.2024

ORAL ORDER :

Heard Shri V.P. Kadam, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent no. 04. Respondent no. 05, though has been duly served, has not caused appearance in the matter.

2. Grievance of the applicant is in respect of her placement in the seniority list and consequent promotion. According to the applicant, she is senior to respondent no. 04, as well as, respondent no. 05 and in spite of that, promotions have been given to respondent nos. 04 and 05 and, as such, the applicant has been deprived from the said promotion. The present Original Application is, therefore, filed seeking following reliefs:-

“A) This Original Application may kindly be allowed.

::-2-::

O.A. NO. 470/2018 WITH
M.A. NO. 351/2020

B) Record and proceedings may be called for.

C) To quash and set aside the order dated 17.03.2018 passed by respondent no. 2 on the representation made by applicant on 13.09.2017 and thereby promoting the respondent no. 4 and denied the promotion to the applicant.

D) The respondent authorities may kindly be directed to grant promotion and deem date to applicant in the Cadre of Class III as Junior Clerk w.e.f. 2014-2015 from NT-C category and to pay the arrears of pay and allowances to the applicant.

E) By issuing appropriate order the respondents may be directed to grant promotion and deem date w.e.f. 2014-2015 in the cadre of Class-III as a Junior Clerk in NT-C category and arrears of revised Pay and allowances to the applicant.

E) Any other equitable relief to which the applicant is found entitled to may kindly be granted in favour of applicant.”

3. We have carefully gone through the documents filed on record. Insofar as respondent no. 04 is concerned, she appears to be senior in all respect to the applicant and, as such, there could not have been any objection for the seniority of respondent

no. 04. Prayer made in the application is restricted to respondent no. 04 and no relief has been asked for against respondent no. 05.

4. However, during the course of hearing when we perused the documents with the assistance of learned counsel for the parties, it is revealed that in the month of June, 2018 respondent no. 05 was promoted, as she was holding the requisite qualification in Marathi, as well as, English typing. Though it is the contention of the applicant that respondent no. 05 joined the service after the applicant and she was only S.S.C. passed, whereas the applicant is having qualification of B.A., so far as typing qualification is concerned, the respondent no. 05 had passed typing examination in the year 2017, whereas certificate produced on record by the applicant reveals that she appeared for that examination in the year 2018. When the promotions were effected in the year 2018, the applicant was not holding requisite qualification. Challenge to the appointment of respondent no. 05 also would not have sustained.

::-4-::

O.A. NO. 470/2018 WITH
M.A. NO. 351/2020

5. The present Original Application being devoid of any merit deserves to be dismissed and is accordingly dismissed. In view of dismissal of the Original Application itself, the Misc. Application also stands disposed of. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 22.02.2024