

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

**C.P.NO.20/2020 IN O.A.NO.326/2019
(Prakash Bhanudas Shinde Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri K.G.Salunke, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

2. Today, when the present contempt petition is taken up for consideration, learned CPO tendered across the bar communication which reveals that as directed by this Tribunal, representation was forwarded by the parent department to the General Administration Department (GAD) and the GAD has also considered it on its own merit and the decision is communicated to the applicant. In the circumstances, order stands fully satisfied and contempt does not survive.

3. It is needless to state that if the applicant is aggrieved by the decision communicated to him, it is open for him to challenge the said decision if he so desires before the appropriate forum.

4. C.P.No.20/2020 in O.A.No.326/2019 stands disposed of accordingly with no order as to costs.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO.942/2018
(Dr. Meena R. Jadhav Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Smt. A.N.Ansari, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. to tomorrow i.e. 23-12-2022 **High on Board**.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO.639/2021
(Sanjay Kadam & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.12.2021

ORAL ORDER :

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

2. When today the present matter is taken up for consideration, learned CPO has again sought time for filing affidavit in reply of the respondents. He submits that though he has forwarded E-mail to the concerned officers, he has not received any positive response from the officers concerned.

3. In view of the fact that this is a matter involving public interest, we deem it proper to give one more opportunity to the State to file affidavit in reply and clarify stand of the Government with regard to issuance of G.R. dated 31-05-2021 in light of the order passed by the Hon'ble High Court in Writ Petition No.5402/2018 on 20-03-2020.

4. We further clarify that if no reply is received and copy of the same is not provided to the other side, matter will be heard without reply and adjournment will not be granted in any case.

5. Matter shall be placed **First On Board**.

6. S.O. to 03-01-2022. Steno copy is permitted to the learned CPO.

MEMBER (A)

MEMBER (J)

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

M.A.ST.NO.1803/2021 IN O.A.NO.182/2019

**(Dr. D.L.Lavhate died through LRs. Vs. State of Maharashtra
& Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. Perused the contents of the M.A. M.A.ST.No.1803/2021 is allowed.

3. Necessary amendment be carried out in terms of prayer clause 5-b) within 2 weeks from the date of this order.

4. S.O. to 25-01-2022 in O.A.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO.444/2019
(Dnyanoba S. Bilapate Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. When the present matter is taken up for consideration, learned P.O. tendered across the bar communication dated 14-09-2021 received to him from the Executive Engineer, PWD, Jalna.

3. In the present matter, applicant has taken exception to the memo of charge on the ground that the charges were too similar which were framed against him in the criminal case, unless the criminal trial is concluded no departmental enquiry can proceed further. During the pendency of the present O.A., the enquiry was proceeded further and as has been informed by the parties, it has been completed and the report of it is also submitted to the disciplinary authority.

4. What now remains is the decision by the appellate authority on the said report. The report is stated to have been submitted to the disciplinary authority on 05-03-2021. It appears to us that the disciplinary authority should not have taken time till this date in taking decision on the said report.

5. In the circumstances, we deem it proper to dispose of the present O.A. with following directions:

(i) Respondent No.1 shall take the decision on the report of enquiry submitted to it by the enquiry officer into the departmental enquiry conducted against the present applicant within 4 weeks from the date of this order and inform the same to the applicant in writing.

(ii) O.A. stands disposed of in the aforesaid terms with no order as to costs.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 457 OF 2019
(Ashish G. Vaishnav V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri M.M. Kadtu, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that after order was passed in the Original Application No. 779/2015 filed by the applicant setting aside the suspension order of the applicant, reinstatement order of the applicant is passed by the respondents. However, the same is not placed on record. He will produce on record the same on the next date of hearing.

3. S.O. to 07.02.2022.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 557 OF 2019
(Venkat V. Namule & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. By consent of both the sides, S.O. to 09.02.2022.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO. 721 OF 2019
(Bhagwan W. Landge V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer submits that the short affidavit as directed by this Tribunal by the order dated 26.10.2021 is not ready. In fact the said direction relates to placing on record status report in respect of payment of pensionary benefits, which is assured by the respondents in their affidavit in reply way back in the year 2019. Hence, they have to file necessary short affidavit within a short time, in order to show sense of responsibility.

3. S.O. to 13.01.2022.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 1092 OF 2019
(Dhanaji R. Marakwad V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri C.R. Thorat, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. As none present for the applicant, S.O. to 17.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO. 350 OF 2020
(Ramraje G. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

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

3. S.O. to 28.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO. 351 OF 2020
(Ramraje G. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

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

3. S.O. to 28.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO. 352 OF 2020
(Ramraje G. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

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

3. S.O. to 28.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO. 83 OF 2021
(Ashok R. Tonde and Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri G.K. Kshirsagar, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicants placed on record a copy of the interim relief order dated 26.11.2021 in O.A. No. 894/2021 passed by the Principal Seat of this Tribunal at Mumbai. Same is taken on record.

3. S.O. to 02.02.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO. 429 OF 2021
(Vikas P. Tupare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Smt. Vidya Taksal, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 19.01.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

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

**O.A. Nos. 583/2019, 602/2019, 619/2019 & 620/2019
(Bhaskar D. Baviksar and Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicants in all these O.As. and Shri I.S. Thorat, learned Presenting Officer for the Respondents in all these O.As.

2. Record shows that the recovery from the applicants is ordered by the impugned order dated 24.08.2018 (Annexure A-15 in O.A. No. 583/2019) issued by the respondent No. 2 i.e. the District Collector, Jalgaon. Before that the respondent No. 2 submitted report dated 22.04.2017 (Annexure A-10 in O.A. No. 583/2019) to the respondent No. 1 i.e. the Divisional Commissioner, Nasik and after completion of the said report of three pages, one certificate is also issued by the respondent No. 2. The said document of Annexure A-10 annexed to the O.A. is produced by the applicant by obtaining under R.T.I. In view of the same, in order to ascertain as to whether the certificate at page No. 69 of the paper book is the part of report dated 22.04.2017 (Annexure A-10 in O.A. No. 583/2019) or not, the original record was called for.

3. Learned Presenting Officer produced on record office copy of the said record of respondent No. 2. It shows that the said report at Annexure A-10 issued by

the respondent No. 2 consists of three pages and is also accompanied with certificate issued by him. However, the date of report is 29.04.2017 and not 22.04.2017. The date "22" is written probably because original handwritten date was not legible. Outward number matches with the office copy of the documents. In view of the same, it is ascertained now that the certificate at page No. 69 of paper book is the part of report dated 29.04.2017 (Annexure A-10 in O.A. No. 583/2019) and the same was submitted to the respondent No. 1 i.e. the Divisional Commissioner, Nasik.

4. S.O. to 06.01.2022.

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 937 OF 2018
(Pradip S. Dahale V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to Recovery/time bound promotion.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 17.01.2022.

MEMBER (J)

KPB ORAL ORDER 22.12.2021

DATE : 22.12.2021

**M.A. No. 419/2021 in O.A. St. No. 1799/2021
(Nilabai P. Mamulwar & Anr. Vs. The State of Maharashtra
& Ors.)**

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

1. Shri H.P. Jadhav, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 18.01.2022. The case be listed for admission hearing on **18.01.2022.**
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 22.12.2021

**M.A. No. 418/2021 in O.A. St. No. 1247/2021
(Geeta P. Vaikar Vs. The State of Maharashtra & Ors.)**

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

1. Shri S.R. Wakale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 18.01.2022. The case be listed for admission hearing on **18.01.2022.**
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 22.12.2021

ORIGINAL APPLICATION NO. 820 OF 2021

(Akash G. Lavate Vs. The State of Maharashtra & Ors.)

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

1. Shri Masood C. Syed, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 18.01.2022. The case be listed for admission hearing on **18.01.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

ORIGINAL APPLICATION NO.88 OF 2021
(Dr. Rajesh K. Kasralikar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

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

3. At the request of learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf respondent No.1.

4. S.O. to 03.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO.99 OF 2021
(Shrikant V. Mundhe V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri V.M. Maney, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. Record shows that the affidavit-in-reply is filed on behalf of respondent No.3 in August, 2021. Thereafter, from time to time, time was sought for filing affidavit-in-reply on behalf of respondent No. 2. Last chance was granted on last two occasions for filing affidavit-in-reply.

3. Learned P.O. for the respondents submits that the draft affidavit-in-reply of respondent No.2 is ready but only some corrections are to be carried out. In view of same, he seeks time as a most last chance.

4. Learned Advocate for the applicant vehemently opposed the said submissions made by learned P.O. and submits that the applicant is not getting subsistence allowance since the date of suspension.

5. The matter is pertaining to suspension of the applicant. In view of the same, the proceeding is of urgent nature.

6. Considering the submissions made on behalf of the respondents, one more last chance is granted for filing affidavit-in-reply on behalf of respondent No.2, failing which the matter would proceed further in accordance with law.

7. In view of above, S.O. to 27.01.2022.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.247 OF 2021
(Ashok B. Dhokle V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The Original Application is pertaining to time bound promotion.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 17.01.2022

MEMBER (J)

SAS ORAL ORDER 22.12.2021

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

ORIGINAL APPLICATION NO.388 OF 2021
(Navnath L. Dhande V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that he would file affidavit-in-rejoinder during the course of the day.

3. S.O. to 04.02.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

ORIGINAL APPLICATION NO.410 OF 2021
(Tulshiram D. Bakle V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri K.A. Ingle, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

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

3. S.O.to 04.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO.550 OF 2021
(Shobha S. Bidhe & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

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

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

4. S.O. to 03.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

ORIGINAL APPLICATION NO.593 OF 2021
(Gajanana P. Joshi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

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

3. S.O. to 04.02.2022. Interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**M.A.NO.417 OF 2018 IN O.A.ST.NO.1785 OF 2018
(Dangal S. Pawar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate holding for Shri V.G. Pingle, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

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

3. S.O. to 04.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

ORIGINAL APPLICATION NO.813 OF 2021
(Gayatri H. Kotore V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 01.02.2022.

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 01.02.2022.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter is placed on separate board.

MEMBER (J)

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

**M.A.NO.404 OF 2021 IN O.A.ST.NO.1756 OF 2021
(Datta B. Jadhav & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. By this Misc. Application, the applicants are seeking to sue the respondents jointly.

3. The applicants are working as part-time Sweepers with the respondent No.4. It is contended that they are seeking wages as per the G.R. dated 27.01.2017 (+ special allowance).

4. The cause of action and relief sought by all the applicants are same. They are seeking relief against the respondent No.4.

5. In the circumstances as above, in order to avoid the multiplicity of litigation, it would be just and proper to grant permission to the applicant to sue the respondents jointly, subject to payment of court fee stamps, if not paid. Hence, following order:-

//2// M.A.404/2021 In
O.A.St.1756/2021

ORDER

- (i) The Misc. Application No.404/2021 is allowed.
- (ii) Permission is granted to the applicants to sue the respondents jointly.
- (iii) Accompanying O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- (iv) The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION ST.NO.1756 OF 2021
(Datta B. Jadhav & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Issue notice to the respondents, returnable on 10.02.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.02.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.296 OF 2021
(Rekhabai C. Bahiram V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri B.K. Patil, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**M.A.NO.390 OF 2021 IN O.A.NO.451 OF 2021
(Dr. Suresh M. Betkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos.1 to 4. Shri P.R. Tandale, learned Advocate for the respondent No.5 is **absent.**

2. By this Misc. Application, the applicant is seeking amendment in the Original Application.

3. The applicant filed the Original Application challenging his transfer order dated 06.08.2021 (Annex. 'A-1') issued from the office of Respondent No.3 transferring the applicant from Aurved Dispensary, Sindhagaon, Dist. Latur to Women's Hospital, Ambejogai, Dist. Beed.

4. By present amendment application, the applicant wishes to bring on record subsequent events in respect of the subject matter of the Original Application.

5. The Applicant was relieved from his present post vide order dated 07.09.2021. However, there was no post of Medical Officer, Group-B at Women's Hospital,

Ambejogai, Dist. Beed. Therefore, he was not allowed to join. Subsequently, the applicant made application dated 20.09.2021 for seeking posting. The applicant, thereafter, vide order dated 04.10.2021 was posted at District Tuberculosis Center, Osmanabad. The applicant has joined there on 07.10.2021.

6. Learned Advocate for the applicant submits that the proposed amendment is relating to the subject matter of the Original Application and therefore, the proposed amendment is just and necessary.

7. After having considered the proposed amendment and annexures thereof, I find that the proposed amendment is relating to subsequent developments in respect of his initial transfer order.

8. In view of same, the proposed amendment is just and necessary to determine the real question of controversy between the parties. I therefore, proceed to pass following order:-

ORDER

- (i) Misc. Application No.390/2021 is allowed.
- (ii) Amendment as prayed for is granted.
- (iii) The applicant to carry out the amendment within the period of two weeks and to serve the copy of amended O.A. on the other side.
- (iv) No order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.451 OF 2021
(Dr. Suresh M. Betkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos.1 to 4. Shri P.R. Tandale, learned Advocate for the respondent No.5 is **absent.**

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

3. S.O. to 27.01.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**M.A.NO.392 OF 2021 IN O.A.NO.449 OF 2021
(Dr. Arun S. Shirurkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos.1 to 4. Shri P.R. Tandale, learned Advocate for the respondent No.5 is **absent.**

2. At the outset, learned Advocate for the applicant seeks leave to amend the prayer in the Misc. Application for joining Dr. Nikhil Chavan as part respondent No.6 in the Original Application. Leave granted.

3. By this Misc. Application, the applicant is seeking amendment in the Original Application.

4. The applicant filed the Original Application challenging his transfer order dated 06.08.2021 (Annex. 'A-1') whereby he was transferred from Aurved Dispensary, Yerole, Dist. Latur to Sub-District Hospital, Kej, Tq. Kej, Dist. Beed. Notices were issued in the Original Application. However, affidavit-in-reply is not filed by the respondents till today.

5. It is the contention of the applicant that there is subsequent development to the effect that the applicant was relieved from his present post only by order dated 11.10.2021 issued by the respondent No.5 i.e. the District Health Officers, Zilla Parishad, Latur. Thereafter, the applicant joined at the transferred place on 26.10.2021. Meanwhile, the proposed respondent No.6 i.e. Dr. Nikhil Chavan vide transfer order dated 28.08.2021 has been transferred on the post earlier held by the applicant at Aurved Dispensary, Yerole, Dist. Latur.

6. According to the applicant, the said proposed respondent No.6 is likely to be affected, if the favorable order is passed in the Original Application. Therefore, he is required to be joined as respondent No. 6.

7. Learned P.O. opposed the submissions raised on behalf of the applicant.

8. After having considered the proposed amendment, I find that it is relating to impugned transfer order of the applicant by way of subsequent development. The proposed respondent No.6 is likely to be affected in the event the Original Application is allowed.

9. In the circumstances, the proposed amendment is just and necessary to determine the real question of

//3//

M.A.392/2021 In
O.A.449/2021

controversy between the parties. I therefore, proceed to pass following order:-

ORDER

- (i) Misc. Application No.392/2021 is allowed.
- (ii) Amendment as prayed for is granted.
- (iii) The applicant to carry out the amendment within the period of two weeks and to serve the copy of amended O.A. on the other side.
- (iv) No order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.449 OF 2021
(Dr. Arun S. Shirurkar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos.1 to 4. Shri P.R. Tandale, learned Advocate for the respondent No.5 is **absent.**

2. After amendment, issue fresh notice to the respondent No.6, returnable on 27.01.2022.

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.

//2//

O.A.449/2021

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 27.01.2022.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter is placed on separate board.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**O.A.NOS.858 OF 2018, 86 OF 2019, 118 OF 2019, 278 OF 2019,
421 OF 2019, 392 OF 2020, 394 OF 2020, 395 OF 2020, 398 OF
2020 AND O.A.NO.173 OF 2021**

(Sudhakar D. Patil & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant in O.A.No.858/2018, Shri S.D. Dhongde, learned Advocate for the applicants in O.A.Nos.86/2019, 118/2019, 278/2019, 392/2020, 394/2020, 395/2020 & 398/2020, Smt. Suchita A. Dhongde, learned Advocate for the applicant in O.A.No.421/2019 and Shri G.N. Patil, learned Advocate for the applicant in O.A.No.173/2021 and Shri N.U. Yadav, learned Presenting Officer for the respondents in all these O.As.

2. At the request of the learned P.O. for the respondents, S.O. to 06.01.2022.

3. In view of request of learned Advocate for the applicant, O.A.No.173 of 2021 is tagged with the present cases and it will be heard together.

MEMBER (J)

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

**ORIGINAL APPLICATION NO.698 OF 2017
(Jalamsing D. Valvi V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 14.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO.781 OF 2018
(Suryakant M. Garude & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicants, S.O. to 07.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**O.A.NOS.192, 193 AND 194 ALL OF 2019
(Kashinath T. Soundalkar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants in all these O.As., Shri S.K. Shirse, Smt. Sanjivani K. Deshmukh-Ghate and Smt. Deepali S. Deshpande, learned Presenting Officers for the Respondent No.3 in all these O.A.s and Shri S.B. Mene, learned Advocate for the respondent Nos.1 & 2 in all these O.As.

2. At the request of learned P.Os., time is granted for filing affidavit-in-reply on behalf of newly added respondent No.3 in all these O.As.

3. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The Original Applications are pertaining to Assured career Progression Scheme.

4. In view of the same, the present matters be placed before the Division Bench for further hearing.

5. S.O. to 17.01.2022.

MEMBER (J)

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 10.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**M.A.NO.34 OF 2021 IN O.A.ST.NO.122 OF 2021
(Vijay R. Shringare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that during the course of the day he would file affidavit-in-rejoinder.

3. S.O. to 08.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO.528 OF 2019
(Dr. Kishor H. Kadam V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicant is **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. As none present on behalf of the applicant, S.O. to 09.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO.60 OF 2020
(Sau Sangita S. Patil @ Alka M.Chaudhari V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. As per the Circular No. MAT/MUM/ESTT/732/2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The Original Application is pertaining to time bound promotion.

3. In view of the same, the present matter be placed before the Division Bench for further hearing.

4. S.O. to 14.01.2022

MEMBER (J)

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

**ORIGINAL APPLICATION NO.373 OF 2019
(Gajendra R. Patil V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 09.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO.253 OF 2019
(Laxmikant M. Bhoskar V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri R.N. Bharaswadkar, learned Advocate for the applicant is **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. As none present on behalf of the applicant, S.O. to 10.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NO.822 OF 2018
(Virendra P. Dhivare V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. By consent of both the sides, S.O. to 09.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

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

**ORIGINAL APPLICATION NOS. 599, 600, 601, 602, 603, 604, 605,
606, 738 & 915 ALL OF 2018 AND O.A.NO.116 OF 2019
(Shri Vilas R. Mahajan & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri Anup D. Mane, learned Advocate holding for Shri Amol S. Sawant, learned Advocate for the applicants in all these O.As. and Shri B.S. Deokar, learned Presenting Officer for the Respondents in all these O.As.

2. At the request of the learned Advocate for the applicants, S.O. to 09.02.2022.

MEMBER (J)

SAS ORAL ORDER 22.12.2021

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

M.A.NO.405 OF 2021 IN O.A.ST.NO.1748 OF 2021
(Meena L. Gaikwad & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. By this Misc. Application, the applicants are seeking to sue the respondents jointly.

3. The applicants are working as part-time Sweepers with the respondent No.4. It is contended that they are seeking wages as per the G.R. dated 27.01.2017 (+ special allowance).

4. The cause of action and relief sought by all the applicants are same. They all are seeking relief against the respondent No.4.

5. In the circumstances as above, in order to avoid the multiplicity of litigation, it would be just and proper to grant permission to the applicant to sue the respondents jointly, subject to payment of court fee stamps, if not paid. Hence, following order:-

ORDER

- (i) The Misc. Application No.405/2021 is allowed.
- (ii) Permission is granted to the applicants to sue the respondents jointly.
- (iii) Accompanying O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- (iv) The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

ORIGINAL APPLICATION ST.NO.1748 OF 2021
(Meena L. Gaikwad & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Issue notice to the respondents, returnable on 10.02.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.02.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

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

**M.A.NO.406 OF 2021 IN O.A.ST.NO.1750 OF 2021
(Anita D. Damodar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. By this Misc. Application, the applicants are seeking to sue the respondents jointly.

3. The applicants are working as part-time Sweepers with the respondent No.4. It is contended that they are seeking wages as per the G.R. dated 27.01.2017 (+ special allowance).

4. The cause of action and relief sought by all the applicants are same. They all are seeking relief against the respondent No.4.

5. In the circumstances as above, in order to avoid the multiplicity of litigation, it would be just and proper to grant permission to the applicant to sue the respondents jointly, subject to payment of court fee stamps, if not paid. Hence, following order:-

ORDER

- (i) The Misc. Application No.406/2021 is allowed.
- (ii) Permission is granted to the applicants to sue the respondents jointly.
- (iii) Accompanying O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- (iv) The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION ST.NO.1750 OF 2021
(Anita D. Damodar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Issue notice to the respondents, returnable on 10.02.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.02.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, AURANGABAD

M.A.NO.407 OF 2021 IN O.A.ST.NO.1752 OF 2021
(Sunil B. Sangewar & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. By this Misc. Application, the applicants are seeking to sue the respondents jointly.

3. The applicants are working as part-time Sweepers with the respondent No.4. It is contended that they are seeking wages as per the G.R. dated 27.01.2017 (+ special allowance).

4. The cause of action and relief sought by all the applicants are same. They all are seeking relief against the respondent No.4.

5. In the circumstances as above, in order to avoid the multiplicity of litigation, it would be just and proper to grant permission to the applicant to sue the respondents jointly, subject to payment of court fee stamps, if not paid. Hence, following order:-

ORDER

- (i) The Misc. Application No.407/2021 is allowed.
- (ii) Permission is granted to the applicants to sue the respondents jointly.
- (iii) Accompanying O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- (iv) The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION ST.NO.1752 OF 2021
(Sunil B. Sangewar & Ors. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Issue notice to the respondents, returnable on 10.02.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.02.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

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

**M.A.NO.408 OF 2021 IN O.A.ST.NO.1754 OF 2021
(Premla U. Hanumante & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. By this Misc. Application, the applicants are seeking to sue the respondents jointly.

3. The applicants are working as part-time Sweepers with the respondent No.3. It is contended that they are seeking wages as per the G.R. dated 27.01.2017 (+ special allowance).

4. The cause of action and relief sought by all the applicants are same. They all are seeking relief against the respondent No.3.

5. In the circumstances as above, in order to avoid the multiplicity of litigation, it would be just and proper to grant permission to the applicant to sue the respondents jointly, subject to payment of court fee stamps, if not paid. Hence, following order:-

ORDER

- (i) The Misc. Application No.408/2021 is allowed.
- (ii) Permission is granted to the applicants to sue the respondents jointly.
- (iii) Accompanying O.A. be registered and numbered in accordance with law, after removal of office objections, if any.
- (iv) The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (J)

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

**ORIGINAL APPLICATION ST.NO.1754 OF 2021
(Premla U. Hanumante & Anr. V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notice to the respondents, returnable on 10.02.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.02.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

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

**M.A.NO.276 OF 2020 IN O.A.ST.NO.833 OF 2020
(Jayant Raju Ambhore V/s. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORDER

This Misc. Application is filed seeking condonation of delay of about 1690 days caused in filing the Original Application seeking relief of directing the respondent No.2 to decide the representation dated 23.08.2019 made by the applicant for deleting the name of the respondent No.3 from waiting list of compassionate candidates and include the name of the applicant in the waiting list of compassionate candidates.

2. The applicant is son of the deceased Raju Papalal Ambhore, who died in harness on 14.08.2007 while working as a Police Constable on the establishment of the respondent No.2 i.e. Police Commissioner, Aurangabad. The date of birth of the applicant is 14.03.1996. At the time of death of his father, he was minor and was about 11 years old. His real mother namely Rekha Raju Ambhore died on 25.04.1996. After her death, the applicant's father performed second marriage with the respondent No.3 i.e.

Lalita Raju Ambhore. After the death of the father of the applicant, the applicant's paternal grandmother looked after him. His paternal grandmother namely Narmadabai Papalal Ambhore had made application dated 27.09.2007 to the respondent No.2 seeking compassionate appointment to applicant upon attaining his age of majority.

3. Upon attaining the age of majority, the applicant made representation dated 01.08.2014 seeking compassionate appointment. Subsequently, in July 2015, he submitted required documents as per directions from the office of respondent No.2. However, the name of the applicant was not included in the waiting list till the year 2018. In September, 2018, the applicant applied under RTI seeking information about compassionate candidates. That time, the applicant was informed through the document that the name of the respondent No.3 i.e. Lalita Raju Ambhore was therein waiting list at Sr.No.12. Infact, the respondent No.3 never looked after the applicant though she was getting family pension after the death of applicant's father. The respondent No.3 is about 43 years old, whereas the applicant is 23 years old. If the respondent No.3 gets the compassionate appointment, she

is not going to look after the applicant and she is also seeking family pension.

4. The delay is caused as the applicant did not get required information in time from the respondents. After getting information about the respondent No.3, the applicant approached this Tribunal. The delay is not deliberate. The applicant needs the compassionate appointment. Hence, this application.

5. Affidavit-in-reply is filed on behalf of the respondent Nos.1 and 2 jointly. Thereby it is admitted that the name of the respondent No.3 is in the waiting list of compassionate candidates. It is however, contended that there is huge delay which is not explained by the applicant by giving satisfactory reason. The respondents have considered the name of the respondent No.3 in the waiting list, who is legal wedded wife of the applicant's father. Her name is included in the waiting list in accordance with law. The applicant has no case on merit. Hence, application is liable to be dismissed.

6. Respondent No.3 has also filed her affidavit-in-reply and has contended that no satisfactory cause has been shown by the applicant for condonation of huge delay. The applicant remained silent for long period. Filing of

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M.A.276/2020 IN
O.A.St.No.833/2020

proceeding by the applicant is misuse of legal procedure. It is contended that she has not misbehaved with the applicant and she is not utilizing the family pension for herself only. The name of the respondent No.3 is at Sr.No.3 in the waiting list. Her name in waiting list is included in accordance with law. Hence, the application for condonation of delay is liable to be dismissed.

7. I have heard Shri K.A. Ingle, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 and 2 and Shri D.K. Dagadkhair, learned Advocate for the respondent No.3.

8. From the facts on record, prima-facie, it appears that the respondent No.3 married with deceased father of the applicant after the death of the real mother of the applicant. She applied being the other family member of the deceased applicant for appointment on compassionate ground. Her name is taken on record in the waiting list of compassionate candidates. The applicant, however, is claiming compassionate appointment stating that respondent No.3 never looked after the applicant after the death of his father. The applicant is seeking deletion of the name of respondent No.3. The claim of the applicant as well as the respondent No.3 for compassionate

appointment is to be taken into consideration by the respondent Nos.1 and 2 in accordance with criteria laid down in G.R. dated 21.09.2017. The applicant has alleged that the respondent No.3 has not looked after him during his teenage.

9. In the circumstances, the claim of the applicant cannot be said to be totally misconceived. The applicant can get an opportunity to fight for his rights as against the rights of the respondent No.3. No doubt there is delay, but the said delay cannot be considered deliberate one. It is required to be examined as to whether the respondent No.3 has applied with all the requirements for compassionate appointment when the applicant who was about 11 years old at the time of death of his deceased father. The applicant has made application for compassionate appointment immediately upon attaining his age of majority.

10. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Refusing to condone the delay is likely to defeat the cause of justice at the threshold. In the circumstances, in my considered opinion, this is a fit case to condone the delay of 1690 days in filing the Original Application subject to imposition of

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M.A.276/2020 IN
O.A.St.No.833/2020

cost of Rs.1500/- on the applicant. Therefore, I proceed to pass the following order: -

ORDER

The Misc. Application No. 276/2020 is allowed in following terms:-

- (i) The delay of 1690 days 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. 1500/- 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.
- (ii) 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.

MEMBER (J)

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

**T.A.NO. 1/2019 (W.P.NO. 11496/2019)
(Sonalı S. Varwate & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri R.D. Khadap, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri Avinash S. Deshmukh, learned Advocate for Caveator in Caveat No. 66/2019, are present.

2. Respondents are yet to be served. The applicant to take necessary steps.

3. S.O. to 27.1.2022.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 397 OF 2019
(Shilpa J. Ingale Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Sur-rejoinder not filed.
3. List the matter for hearing on 19.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 – HDD

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

**ORIGINAL APPLICATION NO. 800 OF 2019
(Maheshkumar P. Sathe Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Govind B. Chate, learned Advocate holding for Shri Sandip R. Andhale, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant sought time for filing rejoinder affidavit. Granted by way of last chance.
3. S.O. to 21.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 - HDD

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri V.S. Panpatte, learned counsel for the applicant
(**absent**). Shri M.P. Gude, learned Presenting Officer for
the respondents, present.

2. Rejoinder affidavit is not filed by the applicant.
3. List the matter for hearing on 27.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 – HDD

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

**ORIGINAL APPLICATION NO. 485 OF 2020
(Vijay S. Jadhav Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 28.1.2022. In the meanwhile it would be open for the applicant to file rejoinder affidavit, if he so desires.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 501 OF 2020
(Dr. Prashant B. Shamkuwar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Vivek Pingle, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

3. List the matter for hearing on 28.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 - HDD

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Digambar B. Shinde, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that he will file affidavit in reply during the course of the day. Copy of the said reply is already served on the other side.

3. Learned Advocate for the applicant sought time for filing rejoinder affidavit. Granted.

4. S.O. to 3.2.2022.

MEMBER (A)

MEMBER (J)

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

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Digambar B. Shinde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

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

3. Learned Advocate for the applicant sought time for filing rejoinder affidavit. Granted.

4. S.O. to 3.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 – HDD

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

M.A. 66/19 IN O.A. 326/12

WITH

**MA ST. 792/17 IN O.A. 555/15 (SJ matter)
(Madhav C. Padavi Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri F.R. Tandale, learned counsel for the applicant in both the cases, present. Shri K.B. Choudhari, learned special Counsel for the respondents in both the cases (**absent**).

2. At the request of learned counsel for the applicant, S.O. to 18.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 – HDD

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

**ORIGINAL APPLICATION NO. 48 OF 2018
(Sanjay Natha Nade Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Vivek Pingle, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicant, S.O. to 31.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 - HDD

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

**ORIGINAL APPLICATION NO. 232 OF 2019
(Maruti T. Kamble & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Vivek Pingle, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicant, S.O. to 31.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 - HDD

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

**ORIGINAL APPLICATION NO. 646 OF 2019
(Manoj Narayan Pande Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Abhay R. Rathod, learned counsel for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3, are present. None appears for respondent Nos. 4 to 7.

2. List the matter for hearing on 2.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 - HDD

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

**O.A.NOS. 603 TO 609 & O.A. NO. 780 ALL OF 2017
(Jaideep A. Limbale & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Avinash S. Deshmukh & Ms. Preeti R. Wankhade, learned counsel for the respective applicants in respective OAs and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these OAs, are present.

2. At the request and by consent of both the parties, the present group of matters stands adjourned for further consideration on 24.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 22.12.2021 - HDD

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

**ORIGINAL APPLICATION NO. 324 OF 2021
(Sharad D. Kothawale Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. Learned counsel for the applicant submits that when the present OA was filed the applicant was in service and the relief was sought for his continuation in the said service. At the relevant time as has been submitted the contract was in subsistence. Learned counsel further submits that during the pendency of the present OA since contract period has expired the applicant has been relieved. It is the contention of the applicant that now again ad hoc appointments are likely to be made on the same post. In the circumstances, he has prayed permission for adding prayer in the present OA to the effect of his reappointment on the said post.

4. Though we have some reservation as about prayer to be incorporated as has been prayed by the applicant,

keeping all these issues open we permit the applicant to carry out the necessary amendment as desired by him.

5. The necessary amendment shall be carried out within a period of two weeks from the date of this order.

6. S.O. to 24.1.2022.

MEMBER (A)

MEMBER (J)

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

**M.A.NO. 61/2021 IN O.A.NO. 127/2020
(Smt. Resha wd/o Panditrao Karhale Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. The present application is filed for restoration of O.A. No. 127/2020. In the said matter on 3.3.2020 the order of issuance of notice was passed by this Tribunal. Clause No. 7 of the said notice was as follows: -

“7. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.”

3. Learned counsel for the applicant submits that though the notices were duly collected within given period and the notices were also dispatched through speed post, the service proof could not be produced because of the pandemic situation and that has resulted in dismissal of the said O.A., in view of the condition incorporated in clause No. 7 of the order passed on 3.3.2020. We find substance in the submission made on behalf of the applicant. We are, therefore, inclined to allow the present application. Hence, the following order: -

ORDER

- (i) The M.A. No. 61/2021 stands allowed. The O.A. No. 127/2020 is restored to its original file.
- (ii) There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 127 OF 2020
(Smt. Resha wd/o Panditrao Karhale Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Today, by passing separate order in M.A. No. 61/2021, the present O.A. is restored to its original file.

3. Issue fresh notices to the respondents, returnable on 31.1.2022.

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

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

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

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

8. S.O. to 31.1.2022.

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

MEMBER (A)

MEMBER (J)

Date : 22.12.2021
ORIGINAL APPLICATION NO. 817 OF 2021
(Vilas Kisanrao Dhole V/s State of Maha. & Ors.)

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

1. Shri K.N. Shermale, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 17.1.2022. The case be listed for admission hearing on **17.1.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

22.12.2021/HDD registrar notice

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
AURANGABAD BENCH, AURANGABAD
CHAMBER APPEAL NO. 04 OF 2021
(Shri Khandu G. Joshi Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : V.D. Dongre, Member (J)

DATE : 22.12.2021

ORAL ORDER :

Heard Shri G.S. Shete, learned Advocate for the applicant.

2. Vide order dated 9.12.2019 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 26.6.2019 the office has raised the following office objection:-

1) O.A. appears to be barred by limitation in view of applicant's first representation dated 7.1.2012.

3. Vide office note dated 29.11.2019 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objection is not removed.

4. The applicant has made prayer for condonation of delay of about 737 days caused in filing Chamber Appeal No. 4/2021.

5. The learned Advocate for the applicant appeared today and undertakes to remove the office objection within reasonable period.

6. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objection in spite of repeated chances. The fact that the O.A. is filed for directions for continuation in

service and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the appeal by condoning delay of about 737 days caused in filing this Chamber Appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

(i) Delay caused in filing Chamber Appeal stands condoned. Consequently, the Chamber Appeal No. 04/2021 is allowed as the applicant undertakes to remove the office objection within a reasonable period.

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. St. No. 1163/2019 after removing the office objection by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

MEMBER (J)

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

**M.A. NO. 325/2021 IN O.A. NO. 196/2021
(Sandip P. More Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. When today the present M.A. along with O.A. was taken up for consideration the learned Counsel for the applicant seeks leave to amend prayer clause (X-G-1) (page 11 of M.A.) by inserting the words "may kindly be stayed till decision of O.A." therein. The applicant is permitted to carry out said amendment forthwith.

3. Insofar as amendment is concerned we are inclined to allow the applicant to carry out the amendment as proposed in the present M.A. The said amendment be carried out in the O.A. within 2 weeks.

4. The present M.A. is accordingly disposed of with no order as to costs.

5. Further request is made by the learned Counsel for the applicant to continue the interim stay granted by the Tribunal initially by the order dated 11.5.2021 passed in O.A., which is seriously opposed by the learned P.O. The learned Counsel has sought time to make his submissions on the issue of continuation of interim order and has

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M.A. NO. 325/2021 IN
O.A. NO. 196/2021

prayed for continuation of said order at least for a week so that he can make submissions on the said issue.

5. In the circumstances, matter is adjourned to 4.1.2022 and till then the interim order to continue.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 22.12.2021

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

**M.A. NO. 363/2021 IN O.A. ST. NO. 1149/2021
(Ramling M. Bansode Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. The learned Counsel for the applicant is directed to make submissions as about the tenability of the O.A. with the existing prayers. The learned P.O. is also requested to make submissions on the issue.

3. S.O. to 14.1.2022.

MEMBER (A)

MEMBER (J)

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

**C.P. NO. 16/2021 IN O.A. NO. 211/2018
(Dilip K. Mankeshwar Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 3 and Shri Shamsundar B. Patil, learned Counsel for respondent nos. 2-a & 2-b, are present.

2. Shri Patil, learned Counsel has filed reply on behalf of respondent nos. 2-a. It is taken on record and copy thereof has been supplied to other side. The learned C.P.O. submits that in the reply filed by the res. no. 3 some typographical errors occurred and he needs to correct it. Permission as sought for is granted. The said typographical errors be corrected forthwith.

3. S.O. to 24.1.2022.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 815/2021
(Ganesh Madhav Marathe Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Jitendra V. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. When the present matter is taken up for consideration the learned Counsel submits that inadvertently prayer clause (B) has been included in the O.A. and he, therefore, sought permission to delete the said prayer. Permission is granted as prayed for. The necessary amendment be carried out forthwith.

3. The applicant has filed the present application seeking modification in his order of promotion based on the earlier G.Rs. and his representation. The learned Counsel submits that the post on which the applicant has been promoted is vacant at Jalgaon and presently the applicant is holding the additional charge of the said post. If this may be the position, we are inclined to accept the request of the applicant for giving him interim protection till affidavit in reply is filed by the respondents.

4. Issue notices to the respondents, returnable on 27.1.2022 and till then the applicant's services may be utilized at Jalgaon office itself, where he is at present working.

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

6. 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.

7. 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.

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

8. S.O. to 27.1.2022.

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

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 339/2019
AND
ORIGINAL APPLICATION NO. 340/2019
(Dr. Kishor S. Ubale Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Elaborate arguments are heard of the learned Counsel for the applicant and the learned Presenting Officer for the respondents.

3. The matter is closed for orders.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 758/2019
(Dr. Satish V. Totawar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

2. In view of absence of the applicant and his learned Counsel, S.O. to 31.1.2022.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 22.12.2021

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

**ORIGINAL APPLICATION NO. 116/2020
(Shaikh Akhtar Husain Mohd. Hanif Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri P.R. Rakhunde, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Counsel, S.O. to 31.1.2022.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 521/2020
(Laxman B. Jadhav Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 31.1.2022 for hearing at the stage of admission.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 22.12.2021

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 562/2020
(Amol N. Bari Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. Learned Counsel has filed across the bar rejoinder of the applicant to the reply of respondent no. 2. It is taken on record and copy thereof has been supplied to the learned C.P.O.

3. S.O. to 28.1.2022 for hearing at the stage of admission.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 09/2021
(Ulhas Y. Kawade Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri Hemant U. Dhage, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 28.1.2022 for hearing at the stage of admission.

MEMBER (A)

MEMBER (J)

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

**M.A. 97/2021 IN O.A. ST. 329/2021
(Baban R Zagade Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 27.1.2022 for filing reply in the M.A.

MEMBER (A)

MEMBER (J)

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

**M.A. 185/2021 IN O.A. 257/2021
(Nanasaheb L. Gaikwad Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. Learned P.O. has tendered across the bar the sur-rejoinder of respondent nos. 2, 4 & 5. It is taken on record and copy thereof has been supplied to the learned Counsel for the applicant.

3. S.O. to 27.1.2022. The interim relief granted earlier in M.A. no. 185/2021 to continue till then.

MEMBER (A)

MEMBER (J)

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

**M.A. 192/2021 IN O.A. 258/2021
(Laxman N. Sormare Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. The learned P.O. has tendered across the bar the sur-rejoinder of respondent nos. 2, 4 & 5. It is taken on record and copy thereof has been supplied to the learned Counsel for the applicant.

3. S.O. to 27.1.2022. The interim relief granted earlier in M.A. no. 192/2021 to continue till then.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 918/2010
(Gayabai G. Pokale Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri N.L. Jadhav, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 & 2 is present. Shri N.E. Deshpande, learned Counsel for respondent nos. 3 to 6 (**absent**).

2. In view of absence of learned Counsel for the applicant and learned Counsel for respondent nos. 3 to 6, S.O. to 7.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 49/2015
(Dattatray G. Zade Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 25.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 242/2018
(Sayeeda Begum Syed Mohammad Ali (Died) through L.Rs. Vs. State of
Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Smt. T.W. Pathan, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 5.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 292/2018
(Bhavana H. Thakare Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 5.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 423/2018
(Rameshwar S. Gopal Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Ms. Angha Pandit, learned Counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 7.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 659/2019
(Vijay M. Suralkar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri R.M. Shinde (Boralkar), learned counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. In view of absence of applicant and his learned Counsel, S.O. to 25.1.2022 for final hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

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

**ORIGINAL APPLICATION NO. 261/2021
(Ratan A. Suradkar Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

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

2. S.O. to 3.1.2022 for reporting compliance by the respondents on the line of order dated 18.11.2021 of this Tribunal.

MEMBER (A)

MEMBER (J)

FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD
ORIGINAL APPLICATION NO. 338/2021
(Madhukar L. Dodake Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 22.12.2021

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has tendered across the bar affidavit in reply on behalf of respondent nos. 4 to 6. It is taken on record and copy thereof has been supplied to the learned Counsel for the applicant.

3. S.O. to 18.1.2022 for final hearing. The applicant is at liberty to file rejoinder, if he so desires.

MEMBER (A)

MEMBER (J)

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

**M.A. 152/2021 IN O.A. 431/2020
(Smt. Seema. G. Patil & Ors. Vs. State of Maha. & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : **22.12.2021**

ORAL ORDER :

Heard Shri Suresh P. Salgar, learned Counsel for the applicants in the present M.A. (Res. nos. 3 to 5 in O.A.), Shri Ajay S. Deshpande, learned Counsel for respondent no. 1 in the present M.A. (applicant in O.A.), Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 2 & 3 in the present M.A. (res. nos. 1 & 2 in O.A.) and Shri S.D. Joshi, learned Counsel for the respondent no. 4 in the present M.A. (respondent no. 6 in O.A.).

2. The present M.A. is filed by the applicants seeking directions against the respondents to decide their representations, wherein they have prayed for consideration of their candidature for the post of Under Secretary (Legal) and to promote them on the said post since they have completed 03 years of regular service on the post of Superintendent (Legal).

3. The learned Counsel for the applicants has relied upon the recruitment rules viz. the Deputy Secretary (Legal) (Group-A), Under Secretary (Legal) (Group-A), and Superintendent (Legal) (Group-B), in the Law and Judiciary Department (Recruitment) Rules, 2012 and based on that it

is his submission that once the applicant has completed 03 years of regular service, he becomes eligible to be promoted to the post of Under Secretary (Legal). From the reply filed by the State, it is revealed that the pendency of the O.A. No. 431/2020 is the only reason for not considering their representations. We deem it appropriate to reproduce para 10 of the reply filed by the respondent State in the present M.A., which reads thus :-

“10. I say and submit that, as submitted earlier, the Applicant Nos. 1 to 3 are admittedly junior in seniority of Assistant (Legal) to the Respondent no. 1 / Original Applicant, Shri Khule. The issue is being subjudice before this Hon’ble Tribunal for its consideration in the present matter, for avoiding further complications the representations made by the Applicants are not decided. Further action in the matter will be taken on orders from the Hon’ble Tribunal.”

As is revealing from the said contents, the respondents are not considering the representations of the applicants as the O.A. is subjudice before this Tribunal and unless the O.A. is decided, they may not consider the representations.

4. The respondent no. 1 in the present M.A. has opposed the prayers in the M.A. stating that if the same is considered and accepted, it would have adverse effect on the said respondent i.e. original applicant in O.A. no. 431/2020. The learned Counsel submitted that in view of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982 and more particular rule 5 thereof, once the deemed date is granted in any cadre, the applicant granted

with the said deemed date must be held to be working on the said post from the said deemed date. It was therefore his further contention that not only the applicants in M.A., but the applicant in O.A. no. 431/2020 must also be held to have completed 03 years service on the post of Superintendent (Legal). The learned Counsel therefore submitted that unless O.A. no. 431/2020 is decided, no relief can be given to the applicants in the present M.A.

5. The learned Counsel for the applicant has relied upon the judgment of the Hon'ble Apex Court in the case of **Girish Kumar Vs. State of Maharashtra and Others** reported at **2019 (6) SCC 647**. According to the learned Counsel, controversy raised in the O.A. stands settled vide the ratio laid down in said judgment. Hon'ble Apex Court has held in the said judgment that, not only the M.C.S. (Regulation of Seniority) Rules, 1982 will have bearing on the promotions, but along with the said Seniority Rules, the Recruitment Rules for the post to which promotion is sought for, will also have to be taken into consideration. The learned Counsel submitted that the matter before the Hon'ble Apex Court, though was relating to Zilla Parishal employee, the facts are quite similar and in the said case also the reference was to the M.C.S. (Regulation of Seniority) Rules, 1982 and rule 5 thereof.

6. We have quite carefully considered the said judgment. Hon'ble the Supreme Court has ruled in the said matter that while considering the case of the employee for promotional post, the Recruitment Rules for the said post will have to be considered along with M.C.S. (Regulation of Seniority) Rules, 1982 and if the said rules provide for certain period of regular service, the employee

must have worked on the said post for the said period. We refrain ourselves from making any more discussion on the issue for the reasons that the O.A. is yet to be heard.

7. However, after having considered the submissions advanced by the learned Counsel for the applicants in the present M.A., learned Counsel for respondent no. 1 in the present M.A. / applicant in O.A. No. 431/2020 and the learned C.P.O. for respondent nos. 2 to 4 in the present M.A. and more particularly after having gone through the reply submitted by the State, we are of the opinion that subject to outcome of the present O.A., there may not be any impediment in considering the representations submitted by the applicants in the present M.A. on their own merits having regard to the Deputy Secretary (Legal) (Group-A), Under Secretary (Legal) (Group-A), and Superintendent (Legal) (Group-B), in the Law and Judiciary Department (Recruitment) Rules, 2012 along with M.C.S. (Regulation of Seniority) Rules, 1982. Representations be decided within two months from the date of this order.

8. The M.A. thus stands allowed in above terms. There shall be no order as to costs.

9. O.A. No. 431/2020 to come up on board on 20.1.2022.

MEMBER (A)

MEMBER (J)