

Date : 22.01.2024

ORIGINAL APPLICATION NO. 50/2024

(Dr. Neha Shivajirao Nagargoje V/s State of Maharashtra & Ors.)

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

1. Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **22.02.2024**. The case be listed for admission hearing on **22.02.2024**.
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.

I/C REGISTRAR

Date : 22.01.2024

ORIGINAL APPLICATION NO. 49/2024

(Dr. Santosh Ramesh Dhond V/s State of Maharashtra & Ors.)

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

1. Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **22.02.2024**. The case be listed for admission hearing on **22.02.2024**.
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.

I/C REGISTRAR

Date : 22.01.2024
ORIGINAL APPLICATION NO. 76/2024
(Abuzar Moshin Shaikh V/s State of Maharashtra & Ors.)

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

1. Shri Kiran G. Salunke, learned Advocate for the applicant and Shri D.R. Patil, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **21.02.2024**. The case be listed for admission hearing on **21.02.2024**.
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.

I/C REGISTRAR

Date : 22.01.2024

ORIGINAL APPLICATION NO. 74/2024

(Shri Keshav Manohar Khade V/s State of Maharashtra & Ors.)

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

1. Shri Omprakash D. Mane, learned Advocate for the applicant and Shri M.P. Gude, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **21.02.2024**. The case be listed for admission hearing on **21.02.2024**.
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.

I/C REGISTRAR

C.P. NO. 02/2024 IN O.A. NO. 530/2023
(Manjusha M. Mutha Vs. State of Mah. & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 22.01.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the petitioner and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer undertook to file the affidavit in reply by the next date.
3. In view of above, S.O. to 31.01.2024.

MEMBER (A)

ARJ ORAL ORDER 12.01.2024

C.P. ST. NO. 2267/2023 IN O.A. NO. 651/2021
(Dr. Shivaji D. Birare Vs. State of Mah. & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 22.01.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the petitioner and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The Division Bench is not available today.
3. S.O. to 31.01.2024.

MEMBER (A)

ARJ ORAL ORDER 12.01.2024

ORIGINAL APPLICATION NO. 919/2023
(Bhausahab B. Sable Vs. State of Mah. & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 22.01.2024

ORAL ORDER :

Smt. Sunita D. Shelke, learned counsel holding
for Smt. Suchita Upadhyay, learned counsel for the
applicant and Smt. M.S. Patni, learned Presenting
Officer for the respondent authorities, are present.

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

3. S.O. to 12.03.2024 for filing rejoinder, if any,
by the applicant.

MEMBER (A)

C.P. NO. 50/2019 IN O.A. NO. 242/2017
(Mohan R. Choudhari Vs. State of Mah. & Ors.)

C.P. NO. 51/2019 IN O.A. NO. 648/2017
(Bhaskar S. Patil Vs. State of Mah. & Ors.)

C.P. NO. 52/2019 IN O.A. NO. 878/2016
(Nitinkumar T. Adhe Vs. State of Mah. & Ors.)

C.P. NO. 22/2021 IN O.A. NO. 947/2018
(Bhagwat T. Choudhari Vs. State of Mah. & Ors.)

C.P. NO. 23/2021 IN O.A. NO. 432/2018
(Ajabrao R. Patil Vs. State of Mah. & Ors.)

C.P. NO. 24/2021 IN O.A. NO. 169/2018
(Shankar D. Chaudhari Vs. State of Mah. & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 22.01.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the petitioners in all these matters, Smt. M.S. Patni & Smt. Deepali S. Deshpande, learned Presenting Officers for the respondent authorities in all these matters and Smt. Sunita D. Shelke & Shri Yogesh Patil, learned counsel for respondent nos. 2 & 3/ 3 & 4 in respective matters, are present.

2. Learned Presenting Officer has tendered the copy of judgment delivered by the Hon'ble Supreme Court in SLP (CIVIL) DIARY NO. 30054/2023. Same is taken on record and copy thereof has been supplied to other side.

3. In view of non-availability of the Division Bench, S.O. to 29.01.2024.

MEMBER (A)

T.A. No. 06/2022 (W.P. No. 6466/2022)
(Sharada R. Gangawe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri I.K. Wagh, learned counsel holding for Shri K.M. More, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.01.2024

ORIGINAL APPLICATION NO. 410 OF 2022
(Anand T. Chaintakute Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 25.01.2024 for hearing.

MEMBER (J)

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

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

DATE : 22.01.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 13.02.2024 for hearing.

3. Learned Presenting Officer is directed to call the record and proceeding till the next date of hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 610 OF 2022
(Bhanudas A. Kalhapure & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 21.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 22.01.2024

ORAL ORDER :

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

2. As none present for the applicant, S.O. to 21.03.2024 for hearing.

MEMBER (J)

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

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

DATE : 22.01.2024

ORAL ORDER :

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

2. Part heard.

3. By consent, S.O. to 29.01.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1154 OF 2022
(Mangesh R. Kale & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri Mohit Deshmukh, learned counsel for the applicants (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 25.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 57 OF 2023
(Shaikh Mohd Aslam Rahimshamiya Vs. State of
Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned Presenting Officer.

3. Learned counsel for the applicant seeks time to go through the rejoinder affidavit and file sur-rejoinder, if any. Time granted.

4. S.O. to 14.02.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 921 OF 2016
(Sanjay T. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 853 OF 2018
(Pramod C. Bute Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri S.D. Dhongde, learned counsel for the applicant (**Leave Note**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 07.03.2024 for final hearing.

MEMBER (J)

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

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

DATE : 22.01.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri V.G. Pingle, learned counsel for respondent No. 1, are present.

2. At the request of learned Presenting Officer, S.O. to 08.02.2024 for submission of record and final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 415 OF 2019
(Rajendra S. Jagdale Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 06.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 954 OF 2019
(Rameshwar R. Chandak Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 160 OF 2020
(Shrirang P. Jarhad Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Shri Shrirang P. Jarhad, applicant in person (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 4, are present.

2. As none present for the applicant, S.O. to 19.03.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 104 OF 2021
(Chandrakant L. Shrikhedkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 19.03.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.01.2024

**O.A. No. 175/2021 with O.A. No. 689/2021
(Ajay R. More Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 07.02.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 22.01.2024

**ORIGINAL APPLICATION NO. 748 OF 2021
(Prakash B. Potewar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

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

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 66 OF 2022
(Nathu N. Khartade Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

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

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

MEMBER (J)

KPB ORAL ORDER 22.01.2024

ORIGINAL APPLICATION NO. 102 OF 2022
(Sumitrabai V. Adke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

2. It appears that the applicants and their counsel for a long period. However, in the order dated 16.10.2023, this Tribunal has observed that the majority of the applicants in the present O.A. had approached this Tribunal in the past also and in those matters the orders are passed in their favour. However, the aforesaid fact is not disclosed by the applicants in the present O.A. In view of the same, this Tribunal has directed learned counsel to file affidavit of each of the applicants mentioning therein whether earlier the said applicant had approached this Tribunal and if yes, what order was passed in the said matters. It is also directed that copy of the said O.A., as well as, order passed therein also be placed on record.

//2//

O.A.No. 102/2022

3. There are in all 16 applicants in this Original Application however in terms of the said order dated 16.10.2023 no such affidavit has been filed by each of the applicants as directed and even the learned counsel appearing for the applicants remained absent since then.

4. In view of above, S.O. to 06.03.2024, as a last chance for hearing.

MEMBER (J)

KPB ORAL ORDER 22.01.2024

ORIGINAL APPLICATION NO. 539 OF 2022
(Bhimraj S. Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

2. Today none present for the applicant. Even though on last date also, the applicant and his counsel remained absent.

3. Pursuant to registration of the crime, the applicant who was working as Co-operative Officer, First Class was suspended from the service. However, the applicant came to be acquitted on 28.02.2019 in Special Case No. 19/2016 by the learned Sessions Court, Ahmednagar. Though the State has preferred appeal against the said acquittal bearing Application for Leave to Appeal by State (ALS) 118/2019 came to be rejected by the Hon'ble High Court. By communication dated 08.02.2022, it is now decided by the Superintendent of Police, ACB, Nashik that this is not a fit case to challenge the order passed by the Hon'ble High Court. In view of the same, nothing survives as against the applicant.

//2//

O.A. No. 539/2022

4. Learned Presenting Officer is requested to take instructions in this regard as to whether the retiral benefits have been released in favour of the applicant during pendency of the present Original Application.

4. As none present for the applicant, S.O. to 05.02.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 22.01.2024

ORIGINAL APPLICATION NO. 841 OF 2023
(Prashant B. Telang Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri Jivan Patil, learned counsel for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3. Same is taken on record along with spare copy for the applicant.

3. At the request of learned P.O., S.O. to 23.02.2024 for filing affidavit in reply on behalf of respondent No. 2.

MEMBER (J)

ORIGINAL APPLICATION NO. 821 OF 2023
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri A.N. Barhate Patil, learned counsel for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record along with spare copy for the applicant.

3. List the matter for admission hearing on 06.02.2024 and filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 722 OF 2023
(Aparna A. Surywanshi Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

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

MEMBER (J)

ORIGINAL APPLICATION NO. 604 OF 2023
(Bhagwan S. Avhad Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 605 OF 2023
(Bhausahab N. Falke Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 606 OF 2023
(Sudhir B. Markad Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicants in all these O.As. and S/shri I.S. Thorat, D.R. Patil & Smt. Sanjvani K. Deshmukh-Ghate, learned Presenting Officers for the respondent authorities in respective O.As.

2. Learned counsel for the applicants submits that the applicants were appointed as Muster Assistant in the year 1985, 1984 & 1984 respectively under the Employment Guarantee Scheme (EGS). However, as working on EGS, their services were retrenched from 01.08.1986, 01.01.1986 and 01.05.1989 respectively. The applicants have approached the Labour Court, Ahmednagar for reinstatement with continuity in service and back wages, the learned Presiding Officer, Labour Court, Ahmednagar passed award in

//2// O.A. 604/2023 & 2 Ors.

their favour and directed respondent No. 3 to reinstate the applicants with continuity of service, but without back wages. Accordingly, the applicants came to be reinstated as Muster Assistant by respondent No. 3 in his office. However respondent No. 3 meanwhile challenged the Award passed by the Labour Court before the Hon'ble High Court by filing W.P. Nos. 4619/2000, 4614/2000 & 4615/2000 respectively and by judgment and order dated 08.09.2001, the Hon'ble High Court was pleaded to set aside the Award passed by the Labour Court, however in para No. 25, it is observed that undisputedly the seniority is required to be maintained in relation to the Muster Assistants by the Tahsildar.

3. Learned counsel for the applicants pointed out para No. 8 from the affidavit in reply filed on behalf of respondent Nos. 1 to 3, wherein it is specifically stated that it is for the Tahsildar to maintain seniority and recommendations are to be made on availability of work. However, due to non-availability of work, the Tahsildar has not recommended the complainants name for appointment and therefore, the complainants were not re-appointed.

//3// O.A. 604/2023 & 2 Ors.

4. In view of above, learned counsel for the applicants submits that under such circumstances, the Collector, Ahmednagar is necessary party for just decision of the present Original Applications.

5. Learned Presenting Officer has not raised any serious objection for the same.

6. In view of above, the Collector, Ahmednagar be added as party respondent to the present O.As. and the applicants shall carry out the necessary amendment forthwith.

7. Issue notice to newly added respondent in all these O.As., returnable on 20.03.2024.

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

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

//4// O.A. 604/2023 & 2 Ors.

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

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

12. S.O. to 20.03.2024.

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

MEMBER (J)

KPB ORAL ORDER 22.01.2024

**ORIGINAL APPLICATION NO. 448 OF 2023
(Vikas D. Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Shri S.U. Chaudhari, learned for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 21.02.2024.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

**ORIGINAL APPLICATION NO. 1086 OF 2023
(Vaishali S. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Heard Ms. P.S. Kale, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 27.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2//

O.A. 1086/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 27.03.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 2076 OF 2023
(Shaikh Iqbal Shaikh Jamil Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Shri Amol S. Gandhi, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 06.02.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 59 OF 2024
(Dr. Satish G. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 27.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 59/2024

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 27.03.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A. 25/2024 IN M.A. 117/2020 IN O.A.ST. 320/2020
(Pamabai D. Wanve Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 27.03.2024.

MEMBER (J)

Later On:-

3. Shri Omprakash K. Waghmare, learned counsel holding for Shri Ganesh J. Kore, learned counsel for the applicant is present.

4. At the request of learned counsel for the applicant, S.O. to 05.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 87 OF 2020
(Rajendra B. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant, is **absent**. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. None appears for the applicant though the matter is part heard.

3. List the matter for passing order on 14.02.2024.

MEMBER (J)

Later On:-

4. Ms. Preeti R. Wankhade, learned counsel for the applicant is present.

5. At the request of learned counsel for the applicant, S.O. to 29.01.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 621 OF 2022
(Dattatray A. Kakade Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 01.02.2024 for further hearing.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

ORIGINAL APPLICATION NO. 514 OF 2022
(Madhukar S. Dudhgonkar Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri Prasad B. Kadam, leaned counsel holding for Shri K.B. Bhise, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 27.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

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

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

DATE : 22.01.2024

ORAL ORDER :

Shri S.P. Dhobale, leaned counsel holding for Shri K.P. Rodge, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 26.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

ORIGINAL APPLICATION NO. 1011 OF 2019
(Vitthal S. Lokhande Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 16.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

**ORIGINAL APPLICATION NO. 106 OF 2021
(Manoj C. Salagar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Shri S.P. Dhobale, leaned counsel holding for Shri Umakant P. Giri, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 27.03.2024 for final hearing.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

ORIGINAL APPLICATION NO. 971 OF 2022
(Avinash V. Solanke Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri P.B. Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits the affidavit in rejoinder. The same is taken on record and copy thereof is already given to learned P.O.

3. Pleadings are completed.

4. List the matter of admission hearing on 26.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1061 OF 2022
(Atmaram N. Awatirak Vs. State of Maharashtra & Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

Shri B.P. Gonare, leaned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits the affidavit in rejoinder. The same is taken on record and copy thereof is already given to learned P.O.

3. Pleadings are completed.

4. List the matter of admission hearing on 28.03.2024.

MEMBER (J)

**M.A.NO. 503 OF 2019 IN O.A.ST.NO. 2016 OF 2019
(Amina Begum Maheboob Shaikh Vs. State of Maharashtra
& Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

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

2. By filing this Misc. Application is applicant seeking condonation of delay caused in filing the accompanying Original Application.

3. There is delay of 2 years and 19 days in filing the accompanying Original Application.

4. Learned counsel for the applicant submits that the applicant was working as Forest Guard and he retired on 30.06.2016 on attaining the age on superannuation. Learned counsel for the applicant submits that the respondent No.5 by order dated 16.09.2016 recovered an amount of Rs. 1,12,483/- from his pensionary benefits. The applicant has submitted his representations on 07.10.2015 and so also on 30.08.2019. However, the respondent authorities have not considered those representations nor refunded the recovered amount

//2// M.A. 503/2019 in
O.A.St. 2016/2019

to the applicant. The applicant is retired person suffering from various ailments like blood Sugar, bold pressure etc., therefore he could not approach this Tribunal in time. However for want of sufficient amount to incur the expenses for filing legal proceedings, he could not approach this Tribunal in time.

5. Learned counsel for the applicant submits that there is no inaction on the part of the applicant and there is no intentional and deliberate delay. The application seeking condontaion of delay thus deserves to be allowed.

6. Learned P.O. has strongly resisted the application on the ground that the applicant has not explained the delay satisfactorily. There is an inordinate delay in filing the accompanying O.A. No case is made out by the applicant for condonation of delay. There is no substance in the application and the application is liable to be rejected.

7. The applicant is retired employee serving as a Forest Guard at the time of his retirement on attaining the age of superannuation on 30.06.2016. He was Class-III employee at the time of his

//3// M.A. 503/2019 in
O.A.St. 2016/2019

retirement. It appears that certain amount has been recovered from retiral benefits of the applicant for the reason that excess payment has been made to him due to wrong pay fixation. The applicant is suffering from various old age ailments like high blood pressure, Sugar etc. It is also submitted that for want of sufficient amount to incur the expenses for filing legal proceeding, the applicant could not approach this Tribunal by filing the Original Application.

8. In view of above, I am inclined to condone the delay caused in filing the accompanying Original. However, the applicant is required to be saddled with costs. I compute the costs of Rs.100/- (One Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 503/2019 is allowed in following terms:-

- (A) The delay of 2 years and 19 days caused in filing the accompanying O.A. under Section 19 of the Administrative

//4// M.A. 503/2019 in
O.A.St. 2016/2019

Tribunals Act, 1985 is hereby
condoned subject to costs of Rs. 100/-
(One Hundred only). 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.

- (B) 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)

ORIGINAL APPLICATION ST.NO. 2016 OF 2019
(Amina Begum Maheboob Shaikh Vs. State of Maharashtra
& Ors.)

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

DATE : 22.01.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 15.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St. 2016/2019

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 15.03.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

**M.A.NO. 567 OF 2019 IN O.A.ST.NO. 2091 OF 2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

S/Shri R.D. Birdar/Shakil U. Shaikh, learned counsel for the applicant, **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. This is the matter of the year 2019 seeking condonation of delay.

3. In view of above, S.O. to 06.03.2024 for passing order.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

**M.A.NO. 183 OF 2022 IN O.A.ST.NO. 2093 OF 2019
(Rameshwar N. Gupta Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

S/Shri R.D. Birdar/Shakil U. Shaikh, learned counsel for the applicant, **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. S.O. to 06.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

**M.A.NO. 500 OF 2022 IN O.A.ST.NO. 1954 OF 2022
(Rahul S. Lokhande Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Heard Shri V.G. Pingle, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. By filing this Misc. Application the applicant is seeking condonation of delay caused in filing the accompanying Original Application.

3. There is delay of near about 13 years caused for filing the accompanying Original Application.

4. The applicant being a grandson of the retired Government servant has filed an application for appointment on compassionate ground as per the recommendation of Lad-Page Committee in place of his grandfather.

5. The applicant has attained the age of majority on 18.12.2007 and thereafter for the first time on 25.03.2008 he has made application annexing the relevant copies of the documents to respondent No.3 authority and thereby requested for appointment on compassionate ground. Though the applicant has

//2// M.A. 500/2022 in
O.A.St. 1954/2022

tried to pursue the matter, however, neither the authorities have decided his representation in any manner nor appointed him on compassionate ground. Even in the year 2019 the applicant has submitted fresh application and also in the year 2020 and 2022, but till this time the respondent No.3 has not decided the said representation.

6. Learned counsel for the applicant submits that it is merely stated in the reply that the applicant has not approached to respondent No.2 within time. Learned counsel for the applicant submits that the applicant is from Scheduled Caste and as such he is entitled for the benefit of Lad-Page Committee recommendations for appointment on compassionate ground on voluntary retirement opted by his grandfather who was working as Ward Servant (Kaksh Sevak) in Government Medical College & Hospital, Aurangabad. Learned counsel for the applicant submits that there is no inaction on the part of the applicant and the application is thus deserves to be allowed.

//3// M.A. 500/2022 in
O.A.St. 1954/2022

7. Learned P.O. has strongly resisted the application on the ground that there is huge delay for which no satisfactory explanation has been tendered. Learned P.O. submits that the applicant has approached the authorities belatedly. The grandfather of the applicant was retired in the year 2001 and the applicant has approached to the department belatedly for the benefit of Lad-Page Committee for appointment on compassionate ground. Learned P.O. submits that no case is made out for condonation of delay. There is totally inaction on the part of the applicant and the application thus liable to be rejected.

8. It appears that the grandfather of the applicant voluntarily retired from the service in the year 2001 but at that time the applicant who born on 18.12.1989 was minor and he has attained the age of majority on 18.12.2007. Thus for the first time on 25.03.2008 applicant has filed his application requesting for appointment on compassionate ground as per Lag-Page Committee recommendation in place of his grandfather. It appears that till this date the respondent No.3 has not considered the

//4// M.A. 500/2022 in
O.A.St. 1954/2022

said representations in any manner. In view of same, I do not find any inaction on the part of the applicant not it suffers from intentional and deliberate delay.

9. Thus considering the entire facts of the case, I am inclined to condone the delay caused in filing the accompanying Original Application. However, the applicant is required to be saddled with costs. I compute the costs of Rs.1,000/- (One Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 500/2022 is allowed in following terms:-

- (A) The delay of 13 years caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a

//5// M.A. 500/2022 in
O.A.St. 1954/2022

period of one month from the
date of this order.

- (B) 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)

**ORIGINAL APPLICATION ST.NO. 1954 OF 2022
(Rahul S. Lokhande Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Heard Shri V.G. Pingle, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.st. 1954/2022

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 18.03.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A.NO. 42 OF 2023 IN O.A.ST.NO. 3055 OF 2022
(Sudheer S. Bendke Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

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

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

MEMBER (J)

ORAL ORDER 22.01.2024 sas

**M.A.NO. 203 OF 2023 IN O.A.ST.NO. 728 OF 2023
(Kailas V . Daghale Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Heard Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. By filing this Misc. Application the applicant is seeking condonatin of delay caused in filing the accompanying Original Application.

3. There is delay of 6 years, 9 months and 19 days caused in filing the accompanying O.A.

4. Learned counsel for the applicant submits that the applicant is working as a Van Majoor in Social Forestry Department and he was appointed way back on 01.11.1986. Though in terms of G.Rs. dated 16.10.2012 and 31.10.2013 which are issued by the Government in respect of regularization of daily wagers working under Social Forestry Department and though the name of the applicant is shown in the list published by the department from 1994 to

//2// M.A. 203/2023 in
O.A.St. 728/2023

2004, still then the applicant was not granted the benefit of the said G.Rs.

5. Learned counsel for the applicant submits that the applicant is still working on daily wages at Kolhi Plantation and he is on the verge of retirement. Though the applicant has submitted the representation even in the year 2022, the same has not been considered. Learned counsel for the applicant submits that the applicant comes from poor strata of society and has no means for survival except the meager amount of daily wages. The applicant could not approach the Tribunal within time due to his financial poor condition. There is no inaction on the part of the applicant and there is no intentional and deliberate delay in filing the accompanying O.A. The application thus deserves to be allowed.

6. Learned Presenting Officer strongly resisted the application on the ground that there is huge delay of 6 years 9 months and 19 days for which the applicant has not tendered the satisfactory explanation.

//3// M.A. 203/2023 in
O.A.St. 728/2023

7. Learned P.O. submits that in those years the applicant has not completed 240 days continuously for 5 years since he had worked as delay wager under Employment Guarantee Scheme. There is no substance in the Misc. Application and the same is liable to be rejected.

8. At this stage, there is no need to go into the merits. However, it appears that the respondent has not considered the case of the applicant in its proper perspectives. The applicant is still working as a Van Majoor since from the date of appointment i.e. 01.11.1986. The applicant is poor person and except the meager amount of daily wages, he has no other means for survival. It appears that he could not approach this Tribunal within stipulated period due to poor financial condition.

9. In view of above, I am inclined to condone the delay caused in filing the accompanying Original. However, the applicant is required to be saddled with costs. I compute the costs of Rs.200/- (Two Hundred only)

//4// M.A. 203/2023 in
O.A.St. 728/2023

on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 203/2023 is allowed in following terms:-

- (A) The delay of 6 years, 9 months and 19 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 200/- (Two Hundred only). 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.
- (B) 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)

**ORIGINAL APPLICATION ST.NO. 728 OF 2023
(Kailas Vishwanath Daghale Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Heard Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 15.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.st. 728/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 15.03.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A.NO. 331 OF 2023 IN O.A.NO. 532 OF 2007
(Amir Khan Ibrahim Khan Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Shri Asif Ali, learned counsel holding for Smt. A.N. Ansari, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Await service as against the respondent No.2. However, none appears for respondent No.3, though duly served.

3. S.O. to 20.02.2024.

MEMBER (J)

ORAL ORDER 22.01.2024 sas

**O.A. NOS. 670, 671, 672 AND 673 ALL OF 2021
(Gokul D. Patil & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.01.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicants in all these O.As. and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities in all these O.A.

2. Heard both the sides for some time.

3. It appears that on some points, the elaboration and explanation from both the sides to the extent of assertion of facts in their respective pleadings is necessary.

4. Learned counsel for the applicants so also learned P.O. seek time to file additional affidavit to the extent as discussed in this preliminary hearing.

5. S.O. to 12.02.2024 for hearing.

MEMBER (J)