

ORIGINAL APPLICATION NO.297/2019
(Balaji Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.07.2021

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate holding for Shri D.S.Manorkar, learned Advocate for the applicant, Shri S.K.Shirse, learned Presenting Officer for the respondent no.1 and Shri S.B.Mene learned Advocate for respondent nos.2 and 3.

2. Today learned P.O. states that he has just received a copy of the amended O.A. and he needs some time to go through it. Therefore, he has prayed for adjournment. Adjournment is granted.

3. S.O. to 02.08.2021.

MEMBER (A)

ORIGINAL APPLICATION NO.876/2019
(Ishwar J. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent nos.1 and 2. Shri S.R.Sapkal learned Advocate for respondent no.3 is **absent**.

2. Learned Advocate for the applicant does not feel need for filing affidavit in rejoinder.

3. When the matter will be taken up for arguments, learned Advocate for the applicant and respondent are advised to cover following points in their arguments on the next date:

(i) Whether alternate remedy of appeal / representation under Maharashtra Police Patil Act, 1967 is exhausted or not; and

(ii) How the term "ordinary resident" / "permanent resident" for the purpose of appointment on the post of Police Patil is defined by the appointing authority which leaves scope for ambiguity resulting into varying report from time to time.

3. S.O. to 09.08.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.515/2020
(Aniket Rakh Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Swaraj Tandale learned Advocate holding for Shri B.R.Kedar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. Though learned Advocate for the applicant had expressed during the hearing on 08-07-2021 that rejoinder is not needed; however, now rejoinder is sought to be filed today during the hearing which has been allowed in the interest of justice.

3. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 13.08.2021.

MEMBER (A)

M.A.NO.86/2021 IN O.A.NO.303/2020
(Sanjay Dongaonkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.07.2021

ORAL ORDER :

Heard Shri P.N.Sonpethkar, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents.

2. By filing M.A.No.86/2021, learned Advocate for the applicant has prayed for incorporating amendment in the O.A. As the proposed amendment would not change the nature of the litigation, M.A.No.86/2021 is allowed. Amendment be carried out in the matter.

3. M.A.No.86/2021 stands disposed of with no order as to costs.

MEMBER (A)

YUK ORAL ORDERS 22.07.2021

ORIGINAL APPLICATION NO.303/2020
(Sanjay Dongaonkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.07.2021

ORAL ORDER :

Heard Shri P.N.Sonpethkar, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents.

2. Learned P.O. has filed affidavit in reply on behalf of the respondent in O.A. It is taken on record. Copy thereof has been served on the other side.

3. Learned P.O. seeks time to go through the amended O.A. and file reply to the same, if necessary. Time is granted.

4. S.O. to 10-08-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.89/2019
(Rajendra Jehurkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.07.2021

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the applicant, Shri D.R.Patil, learned Presenting Officer for the respondents and Shri V.B.Wagh learned Advocate for respondent no.4.

2. Arguments are heard at some length. Case be treated as **part heard**.

3. S.O. to 27.07.2021.

MEMBER (A)

ORIGINAL APPLICATION NO.184/2019
(Keshav Wable Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Surendra V. Suryavanshi, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. Original record regarding Birth & Death Register of Municipal Council, Hingoli of the year 1978-79 was brought for perusal. The record of January 1979 is in bad condition, pages are not legible or are in bad condition, which are pasted and arranged in a way that it does not give full details of all the columns and only some basic details are there.

3. Since in the affidavit, it has been shown that the delivery has been in a hospital, the applicant is asked to get extract / relevant part of indoor patient register of the concerned hospital to corroborate his claim.

4. This matter be treated as **part heard**.

5. S.O. to 26.08.2021.

MEMBER (A)

C.P. No. 02/2016 in O.A. No. 344/2014
(The Association of the Technical Assistant through its President
Shri Tukaram D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request and by consent of both the sides,
S.O. to 09.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 959 OF 2018
(Madhuri P. Singedar Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri N.S. Ingle, learned Advocate for respondent No. 4.

2. Learned Advocate for the applicant has placed on record written notes of arguments on behalf of the applicant. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 23.08.2021 for further hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 686 OF 2019
(Brijlal H. Bibe Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer for the respondents submits that the affidavit in reply filed on behalf of respondents is not detailed reply and therefore, he seeks time for filing additional reply.
3. In the interest of justice, time is granted for filing additional reply.
4. S.O. to 23.08.2021.

MEMBER (A)

MEMBER (J)

O.A. Nos. 358, 359 & 362 All of 2020
(Vidya R. Bornare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Shri S.A. Deshmukh, learned Advocate for the applicants in all these O.As. (**Absent**).

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. As none present for the applicants, S.O. to 31.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 654 OF 2013
(Dr. Amol S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Ms. Sayali Kulkarni, learned Advocate holding for Smt. Surekha Mhajan, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply of the respondents is not on record. Record further shows that on last date of hearing i.e. on 24.06.2021, learned Advocate for the applicant produced additional documents. Learned Presenting Officer at that time sought time for taking instructions in respect of those documents.

3. Today, learned Presenting Officer for the respondents places on record a copy of communication dated 21.07.2021 received from the respondent No. 2 and seeks time for filing affidavit in reply.

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O.A. No. 654/2013

4. The present matter is pending for so many years and issue of termination of the applicant is involved. It is not clear whether the remedy of requisite administrative appeal against the order of termination is prepared by the applicant or not and also the applicant has produced so many documents on last date. In view of same, affidavit in reply of the respondents would be necessary. Hence, it is just and proper to grant time for filing affidavit in reply to the respondents.

5. S.O. to 31.08.2021 for filing affidavit in reply of respondents.

6. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 130 OF 2017
(Priyanka A. Dongre Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri S.K. Chavan, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri R.D. Khadap, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent No. 5. None present on behalf of respondent No. 6, though duly served.

2. The present matter is pending for final hearing.
3. Learned Advocate Shri R.D. Khadap, holding for Shri S.S. Thombre, learned Advocate for respondent No. 5 submits that short accommodation may be given, as the learned Advocate of respondent No. 5 Shri S.S. Thombre, is in difficulty.
4. Learned Advocate for the applicant pointed out that the directions had been given to the respondents as per order of this Tribunal dated 01.03.2017 in paragraph No. 2, but no record pursuant to that order is placed on record.

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O.A. No. 130/2017

5. In view of the same, the learned Presenting Officer to take note and to produce requisite documents on record pursuant to para No. 2 of the order dated 01.03.2017 passed by this Tribunal.

4. S.O. to 11.08.2021.

MEMBER (A)

MEMBER (J)

O.A. Nos. 11, 30 & 81 All of 2019
(Bapurao A. Dongar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri B.T. Bodkhe, learned Advocate holding for Shri S.B. Solanke, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. At the request of learned Advocate for the applicants, S.O. to 31.08.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 48/2019 in O.A. NO. 933/2018
(Gajana M. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri L.S. Shaikh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent. Time granted.
3. S.O. to 20.08.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

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

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 20.08.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

C.P. 03/2020 in C.P. 47/2018 in O.A. 138/2016
(Dr. Shaikh Faiz Mohammad Noor Mohammad Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3.

2. Learned Advocate Shri D.T. Devane, has filed **VAKILPATRA** on behalf of respondent No. 4. Same is taken on record.

3. Learned Presenting Officer for the respondents' places on record a copy of noting dated 16.07.2021 and communication dated 16.07.2021 of respondent No. 1. Same are taken on record and marked as document 'X' collectively for the purpose of identification.

4. In view of same, according to learned Presenting Officer order in question is complied with. Learned Advocate for the applicant however submits that the order in question is not said to have been complied with.

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CP 3/20 in CP 47/18
in OA 138/16

5. At the request of learned Presenting Officer for respondent Nos. 1 to 3 and learned Advocate for respondent No. 4, time is granted for filing affidavit in reply.
6. S.O. to 30.08.2021.
7. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**C.P. No. 20/2020 in O.A. No. 326/2020
(Prakash B. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 09.08.2021 for filing rejoinder affidavit.

3. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**C.P. No. 26/2020 in O.A. No. 772/2018
(Anil S. Barkul Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri K.D. Khade, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 24.08.2021.
4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 154 OF 2021
(Surendra H. Gandam Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Satish Chitgopekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 25.08.2021 for filing rejoinder affidavit.

4. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.374 OF 2018
(Shri Girish Balasaheb Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. This case be treated as part-heard.
3. S.O. to 20.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.164 OF 2020
(Shri Hemant M. Chhajer Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Shri A.M. Hajare, learned Advocate for the Applicant is **absent**.

Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents seeks time for filing affidavit-in-reply on behalf of the Respondents. Time granted.

3. S.O. to 31.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.183 OF 2021
(Shri Satyajeet M. Ambhore Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Vishal P. Bakal, learned Advocate for the Applicant and Shri M.P. Gude, 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. Record shows that affidavit-in-reply of Respondent No.3 is already filed.
4. The matter is adjourned for filing affidavit-in-rejoinder by the Applicant, if any.
5. Learned Advocate for the Applicant submits that he does not want to file affidavit-in-rejoinder.
6. In view of above, S.O. to 26.08.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.71 OF 2021 IN O.A.NO.80 OF 2021
(State of Maharashtra & Ors Vs. Bhimrao N. Kokate)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the Applicants in the present M.A.(respondents in O.A.) and Shri Shamsundar B. Patil, learned Advocate for the Respondent in present M.A. (Applicant in O.A.).

2. This case be treated as part-heard.
3. S.O. to 29.07.2021.

MEMBER (J)

**M.A.NO.131 OF 2021 IN O.A.St.NO.375 OF 2020
(Smt. Aruna S. Lahurikar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Sachin G. Joshi, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. This case is closed for order.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

**ORIGINAL APPLICATION NO.319 OF 2021
(Shri Netaji G. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Ms. Madhavi Ayyappan, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. seeks time for filing affidavit-in-reply on behalf of the Respondent. Time granted.
3. S.O. to 29.07.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO.202 OF 2021
(Shri Balaji M. Kshirsagar Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. At the request of learned C.P.O., time is granted for filing affidavit-in-reply on behalf of the Respondents.
3. S.O. to 23.08.2021.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

**ORIGINAL APPLICATION NO.577 OF 2021
(Shri Kalidas B. Choudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Kiran G. Salunke, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. Record shows that affidavit-in-reply is already filed on behalf of the Respondent Nos.1 & 2.

3. Learned P.O. for the Respondents submits that pursuant to the order dated 28.06.2021, the original record is called for and it is available to the office of C.P.O.

4. Learned Advocate for the Applicant seeks time for filing affidavit-in-rejoinder, if any. Time granted.

5. S.O. to 25.08.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

**ORIGINAL APPLICATION NO.459 OF 2020
(Priti J. Patale Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Amit S. Savale, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. submits that he will file affidavit-in-reply on behalf of Respondents during the course of the day and copy of the same will be served on the other side.

3. S.O. to 24.08.2021.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

**ORIGINAL APPLICATION NO.356 OF 2020
(Shri Kiran B. Kolpe Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri N.B. Narwade, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Affidavit-in-rejoinder filed on behalf of the Applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.09.2021.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

**ORIGINAL APPLICATION NO.357 OF 2020
(Shri Vinod R. Borge Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri N.B. Narwade, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. Affidavit-in-rejoinder filed on behalf of the Applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.09.2021.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

**ORIGINAL APPLICATION NO.393 OF 2020
(Shri Sanjay B. Barde Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri Suresh D. Dhongde, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 31.08.2021.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

**ORIGINAL APPLICATION NO.148 OF 2020
(Shri Gorakhnath J. Bhalerao Vs. State of Maharashtra &
Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri Suresh D. Dhongde, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 31.08.2021.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

ORIGINAL APPLICATION NO.359 OF 2020
(Hajrabee @Nurbee Shaikh Nijam Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard Shri Ravindra V. Gore, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Record shows that there is previous litigation in the matter i.e. regarding Shaikh Nijam Shaikh Nanhumiya, deceased applicant in O.A.No.927/2017. In the said case, the Applicant herein was Respondent No.7.

3. Hence, issue notice to the respondents, returnable on 31.08.2021.

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

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

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O.A.NO.359/2021

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 31.08.2021.

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

MEMBER (J)

**ORIGINAL APPLICATION ST.NO.790 OF 2021
(Nanda M. Paul & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 22.07.2021

ORAL ORDER :

Heard K.G. Salunke, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. Record shows that there is office objection as regards the limitation.

3. Learned Advocate for the Applicants submits that in limitation clause there is pleading about recurring cause of action and therefore, the O.A. is within limitation and for that purpose he relied upon the case law of Hon'ble Apex Court reported in **1996 AIR 669, 1995 SCC (5) 628 in the matter of M.R. Gupta Vs. Union of India & Ors.** decided on 21.08.1995.

4. In the circumstances, in my opinion, it would be just and proper to keep the office objection of limitation open. Subject to that, the office is directed to register the O.A.

5. In view of above, issue notice to the respondents, returnable on 27.08.2021.

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

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O.A.St.No.790/2021

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

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

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

10. S.O. to 27.08.2021.

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

MEMBER (J)

MISC. APPLICATION NO.789 OF 2021
(Nanda M. Paul & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 22.07.2021

ORAL ORDER :

Heard K.G. Salunke, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. This Misc. Application is made seeking permission to sue the Respondents jointly.

3. The Applicants are part-time Sweepers and working with the Respondent No.4. It is their contention that some of their colleagues falling in similar situation are paid arrears of salary as per order dated 24.02.2020 issued by the Respondent No.4. The Applicants are seeking relief of arrears of salary as per notification dated 15.02.2003 and 28.09.2010 issued by the Government.

4. In view of above, the persons working with the same category and seeking similar relief against the same authority. In view of same, it is fit case to grant permission to sue the Respondents jointly.

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M.A.St.No.789/2021

5. Accordingly, Misc. Application St.No.789/2021 is allowed. Permission is granted to the Applicant to sue the Respondents jointly. No order as to costs.

MEMBER (J)

ORAL ORDERS 22.07.2021-SAS

M.A. 130/2019 IN O.A. ST. 594/2019
(Satish Adinathrao Trimukhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 22.7.2021

ORDER

1. By filing the present Misc. Application the applicant is seeking condonation of 16 months', 14 days' delay caused in filing accompanying O.A. i.e. O.A. ST. No. 594/2019.

2. The applicant has preferred the accompanying O.A. bearing St. No. 594/2019 seeking deemed date of promotion as 1.9.2016 of the post of Additional Registrar, Co-operative Societies (Audit) and also seeking the pay scale in the said cadre.

3. The applicant came to be superannuated on 31.10.2016 from the post of Joint Registrar, Co-operative Societies (Audit). Before his retirement, the applicant was due for promotion to the post of Additional Registrar, Co-operative Societies (Audit). For that purpose, the applicant preferred representations before the respondent authorities seeking promotion on the said post. The request of the applicant for promotion to the post of Additional Registrar, Co-operative Societies (Audit), however, was not considered by the respondents. The said fact was communicated to the applicant by the respondent no. 1 vide letter dated

9.1.2017, which was served upon the applicant through the respondent no. 2 by his letter dated 1.2.2017.

4. The applicant wanted to challenge the said order dated 9.1.2017 passed by the respondent no. 1 and for that purpose he was in need of entire concerned office copies. The applicant applied therefor under Right to Information Act. The respondents, however, did not supply the said documents to the applicant. The applicant preferred appeal under R.T.I. and in the said appeal proceedings the entire file was provided to him by the appellate authority by letter dtd. 19.12.2017.

5. It is the contention of the applicant that thereafter he approached the previous Advocate in the month of January, 2018 and gave him instructions to file O.A. before the Tribunal for his grievance. The said Advocate falsely told him that he has filed O.A. before this Tribunal. It is the contention of the applicant that though the considerable period was lapsed and still he did not receive anything from the Tribunal about his O.A., and therefore, in the month of February, 2019 the applicant himself visited the office of this tribunal and upon inquiry, it is found that no any O.A. was filed as stated by his previous Advocate. Thereafter he approached the present Advocate in February, 2019 itself and handed over him the concerned documents. In view of the same, there is delay

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M.A. 130/2019 IN
O.A. ST. 594/2019

in filing O.A. The said delay is not deliberate and intentional and it is on account of negligence on the part of his previous Advocate. Hence, the applicant sought condonation of delay caused in filing O.A.

6. The applicant has filed separate supporting affidavit substantially and has disclosed the name of the previous Advocate. He has also annexed therewith the copies of exchange of SMS between himself and previous Advocate during the period from 1.11.2016 to 22.9.2018.

7. Affidavit in reply is filed on behalf of respondent nos. 1 to 3 by Shri Sunil Shankar Chaudhari, Divisional Joint Registrar, Co-operative Societies (Audit), Aurangabad Division, Aurangabad. He has denied the adverse contentions raised by the applicant and has stated that no satisfactory reasons are given by the applicant for condonation of delay caused in filing O.A. Moreover, there is no merit in the case of the applicant. He, therefore, prayed for dismissal of present M.A.

8. Heard Shri V.V. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents, at length.

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M.A. 130/2019 IN
O.A. ST. 594/2019

9. In order to establish the reason given by the applicant for condonation of delay in filing the O.A. viz. negligence of the previous Advocate, the applicant has produced on record copies of text messages between him and previous Advocate during the period from November, 2016 to 22.9.2018. Perusal of the said text communications would show that the applicant was enquiring with his previous Advocate about the states of his O.A. filed before the Tribunal. The said communication also shows that the applicant was having discussion with his previous Advocate about merit of his case. In view of the same, the applicant has produced on record the material to show that he was relying on his previous Advocate to whom he had instructed to file O.A., but said Advocate failed to file the requisite O.A. for redressal of grievance of the applicant, before this Tribunal. In such scenario, some negligence can be attributed to the applicant for not taking the immediate steps, but the said negligence on the part of the applicant cannot be said to be gross one and deliberate or intentional one. Thereby the applicant has anything to gain. It is a settled principle of law that litigant cannot be made to suffer on account of negligence or inaction on the part of his Advocate.

10. Considering the facts and circumstances of the present case, in my considered opinion, refusing to give indulgence in the matter is likely to defeat the cause of

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M.A. 130/2019 IN
O.A. ST. 594/2019

justice at the threshold. In such circumstances, if indulgence is not given in the present matter by condoning the delay caused in filing the O.A., valuable rights of the applicant would be defeated at the very threshold.

11. The relief sought for by the applicant is of monetary nature and it does not affect the interest of other Government servants adversely. No doubt, there is delay in approaching the Tribunal, however, it cannot be said to be deliberate or intentional one. Hence, in my opinion, this is a fit case to condone delay by imposing costs on the applicant. I compute the costs of Rs. 1,000/- (Rs. One thousand only) for that purpose. Hence, I proceed to pass following order :

O R D E R

(i) M.A. is allowed, subject to payment of costs of Rs. 1,000/- by the applicant with Registry of the Tribunal within one month from the date of this order and the delay in filing the O.A. is condoned.

(ii) Upon satisfaction of the costs as above, Office to register the O.A. in accordance with rules and after removal of office objections, if any.

M.A. stands disposed of accordingly with costs.

MEMBER (J)

Date :- 22.7.2021

**CHAMBER APPEAL NO. 02/2021 IN M.A. ST. NO. 2466/2019 AND O.A. ST. NO. 2467/2019
(Shri Vijaykumar Bansilal Rathi V/s. State of Maharashtra & Ors.)**

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

DATE : 22.7.2021

ORAL ORDER

Heard Shri R.M. Bhokarikar, learned Advocate for the applicant.

2. Present Chamber Appeal has been filed by the applicant for quashing and setting aside the order of Registrar of this Bench dtd. 28.1.2020, whereby registration of M.A. St. No. 2466/2019 and O.A. st. no. 2467/2019 has been refused for non removal of office objections raised in the O.A. He has also prayed for condonation of about 362 days delay caused in filing the present Chamber Appeal.

3. Accepting the grounds & reasons contained in the present Chamber Appeal, the same is allowed and disposed of by condoning the delay of about 362 days caused in filing the same.

4. Accordingly M.A. St. No. 2466/2019 and O.A. St. no. 2467/2019 are restored to their original position.

:: - 2 - :: CHAMBER APPEAL NO. 02/2021

Learned Advocate for the applicant is directed to remove office objections within a reasonable period.

5. After removal of office objections by the learned Advocate for the applicant, the Registrar of this Tribunal is directed to register the M.A. St. No. 2466/2019 and O.A. St. No. 2467/2019 and place the same before the appropriate Bench for passing necessary order. There shall be no order as to costs.

MEMBER (J)