

ORIGINAL APPLICATION NO.353/2020
(Shivraj Kangale Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri S.C.Swami Chakurkar, learned Advocate for the Applicant and Shri M.P.Gude, learned Presenting Officer for the Respondents.

2. Respondent no.4 has already filed affidavit in reply on 04-09-2021. Today, learned P.O. is filing affidavit in reply on behalf of respondent nos.1 to 3 and seeking time for taking instructions from respondent no.5 whether he wants to file reply or not.

3. Learned Advocate for the applicant also seeks time for filing affidavit in rejoinder.

4. Learned Advocate for the applicant has been advised to prepare and produce calculation sheet for the disputed period, the amount admissible and disputed and file it with rejoinder so that dispute can be adjudicated faster. It is necessary in view of the fact that the calculation sheet enclosed with the O.A. is not legible.

5. S.O. to 28-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.07/2021
(Arun Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri V.B.Wagh, learned Advocate for the Applicant and Smt. Deepali Deshpande, learned Presenting Officer for the Respondents.

2. Learned P.O. submitted communication received from Collector, Ahmednagar dated 23-09-2021 addressed to the learned CPO seeking 8 to 10 days for filing affidavit in reply. Time is granted.

3. Learned Advocate for the applicant is advised to get details about additional charge claimed to be held by the applicant during the period of year 2011 to year 2016 for which he is relying on documents placed at Annexure A-4 (page 23-24 of paper book).

4. Learned Advocate for the applicant has already submitted calculation sheet for arrears of benefits of 7th Pay Commission at Annexure A-5 (page 25 of paper book). Learned P.O. has been advised to respond to the said calculation sheet while filing affidavit in reply.

5. S.O. to 06-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.360/2021
(Kishan Sangle Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

2. Learned C.P.O. files affidavit in reply on behalf of respondents. He clarifies that affidavit in reply is in fact on behalf of all the respondents i.e. respondent nos.1 to 3.

3. Learned Advocate for the applicant submits that in view of the judgment of Hon'ble Supreme Court in Ajay Kumar Choudhary's case, review of suspension is not taken within 3 months, therefore, suspension order may be revoked.

4. Learned P.O. states that as per the provisions of the Maharashtra Civil Services (Discipline & Appeal Rules) 1979 review period of one year is prescribed in case of suspension due to criminal case. He also informed that departmental enquiry has been initiated by issuing chargesheet on 18-07-2021 for accepting bribe of Rs.30,000/- and it is a case of successful trap conducted by the Anti Corruption Bureau, Maharashtra.

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O.A.NO.360/2021

5. In my view, it may not be appropriate to revoke suspension order by way of granting interim relief. However, the General Administration Department, Government of Maharashtra is being advised through the learned CPO to get its guidelines realigned with the judgment of Hon'ble Supreme Court in case of Ajay Kumar Choudhary at the earliest so that unintentional violation of the Judgment of Hon'ble Supreme Court does not take place.

6. S.O. to 29-10-2021 for filing affidavit in rejoinder, if necessary.

MEMBER (A)

**ORIGINAL APPLICATION NO.420/2021
(Raosaheb Jangle Vs. State of Maharashtra & Ors.)**

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri S.S.Tandale, learned Advocate for the Applicant and Shri D.R.Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time is granted.

3. S.O. to 29-10-2021.

MEMBER (A)

M.A.NO.96/2020 IN O.A.ST.NO.239/2020
(Kailash Walekar Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

2. Learned P.O. is seeking four weeks' time for filing affidavit in reply in M.A. which is granted.

3. Learned P.O. submits that the applicant was given pay scale of Karkoon with effect from 18th March, 2008 as per G.R. dated 29th September, 2003. It is in the year 2017-2018 the applicant has made representation for cancellation of benefits bestowed on him in 2008. However, his representation has been rejected by respondents on 2nd April, 2018 stating that the post from which he was upgraded from Karkoon is abolished, therefore, his request cannot be granted. When the applicant realized that with benefit of upgradation as Karkoon he will get superannuated after age of 58 years whereas without such upgradation he could continue till the age of 60 years, he has requested for cancellation of his upgradation as Karkoon. He has calculated period of delay in filing O.A. of 10 months only from the date of rejection of his representation i.e. from 2nd April, 2018.

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M.A.NO.96/2020 IN O.A.ST.NO.239/2020

4. Learned Advocate for the applicant is advised to substantiate his calculation of period of delay and justification of condonation of delay by citing provisions of law including case laws.

5. S.O. to 26-10-2021 for filing affidavit in reply in the M.A.

MEMBER (A)

YUK ORAL ORDERS 23.09.2021

ORIGINAL APPLICATION NO.561/2019
(Ramesh Barhe Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the Applicant has filed **leave note** on record.

Smt. Sanjivani Ghate, learned Presenting Officer for the Respondents and Shri Subhash Chillarge learned Advocate for respondent no.3, are present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 26-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.721/2019
(Bhagwan Landge Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Shri S.D.Dhongde, learned Advocate for the Applicant has filed **leave note** on record.

Shri B.S.Deokar, learned Presenting Officer for the Respondents is present.

2. In view of leave note of learned Advocate for the applicant, S.O. to 26-10-2021.

MEMBER (A)

M.A.NO.240/2020 IN O.A.ST.NO.570/2020
M.A.NO.241/2020 IN O.A.ST.NO.569/2020
M.A.NO.257/2020 IN O.A.ST.NO.1154/2020
M.A.NO.258/2020 IN O.A.ST.NO.1076/2020
(Rajendra Shah & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri R.A.Joshi, learned Advocate for the Applicants in all the cases and Shri V.R.Bhumkar, Shri D.R.Patil, Smt. M.S.Patni & Shri B.S.Deokar learned Presenting Officers for the Respondents in respective matters.

2. The learned Advocate for the applicant in these four M.As. stated that the facts in the four M.As. and relief claimed are identical, therefore, he would like to make common arguments. He submitted a sheet depicting period of ad-hoc / temporary service rendered by the four applicants which is taken on record.

3. In these four M.As. Respondent no.1 Secretary, Technical Education Department, Mantralaya, Mumbai, Respondent no.2, Director of Technical Education, Fort, Mumbai and Respondent no.3 Joint Director, Technical Education, Aurangabad Region, Aurangabad are common respondents. In M.A.No. 240/2020 Respondent no.4 is Principal, Government Polytechnic, Ambad. In M.A.No.241/2020 Respondent no.4 is Principal, Government Polytechnic, Aurangabad. In M.A.No.257/2020 Respondent no.4 is Principal, Puranmal

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M.A.NO.240/2020 IN O.A.ST.NO.570/2020 & Ors.

Lahoti Government Polytechnic, Latur. In M.A.No.258/2020 Respondent no. 4 is Principal, Government Polytechnic, Jalna. Applicants in M.A.No.240/2020 and 241/2020 have already retired and applicants in M.A.No.257/2020 and 258/2020 are in service. With these differences all the cases are identical. Learned P.Os. for respondents sought permission to put their arguments of each of the four M.As. separately as the respondent no.4 in all the cases are different.

4. Learned Advocate for the applicant has argued the matter extensively. The gist of which is as follows:

(a) Reference is drawn to G.R. dated 07-10-2016 (Annexure A-3, paper book page 19) which deals with employees of various cadres under the State Government whose appointment is required to be based on recommendations of Maharashtra Public Service Commission (MPSC). In their cases, the G.R. provides for extending benefits of time bound promotion/Assured Career Progression Scheme even for retired employees by taking into account period of temporary appointment.

b) To substantiate this argument he has referred to paragraph 2 of page 20 of the paper book of O.A. Thereafter, the learned Advocate for the applicant has

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M.A.NO.240/2020 IN O.A.ST.NO.570/2020 & Ors.

drawn reference to order passed by the Principle Bench of Maharashtra Administrative Tribunal, Mumbai in O.A.No.1090/2017 in which benefits similar to one flowing from G.R. dated 07-10-2016 relating to employees appointed on the recommendations of the MPSC have been extended to other employees too. Therefore, learned Advocate for the applicant submits that ratio in the present 4 cases being same the benefit of order passed in the said O.A. extending benefit of G.R. dated 07-10-2016 becomes due to the applicants in the instant 4 O.As. and as a corollary to that he seeks extension of benefit of G.R. of 2nd March, 2019 to the applicant.

5. Thus, both sides have agreed that in the interest of justice it is necessary to consider respective M.As. and O.As. together.

6. Learned P.Os. may consider arguments made by the learned Advocate for the applicant and argue on the next date of hearing. They may also seek instructions from the respondents on point of hearing respective M.As. and O.As. together, before next date of hearing.

7. Matter be treated as partly heard.

8. S.O. 29-10-2021.

MEMBER (A)

DATE : 23.09.2021

ORIGINAL APPLICATION NO. 567 OF 2021

(Arifa Gulab Maniyar Vs. The State of Maharashtra & Ors.)

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

1. Shri S.S. Tandale, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 22.10.2021. The case be listed for admission hearing on 22.10.2021.
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

KPB – REGISTRAR NOTICE

DATE : 23.09.2021

ORIGINAL APPLICATION NO. 566 OF 2021

(Manisha H. Sonar Vs. The State of Maharashtra & Ors.)

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

1. Shri S.S. Tandale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 22.10.2021. The case be listed for admission hearing on 22.10.2021.
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

KPB – REGISTRAR NOTICE

ORIGINAL APPLICATION NO. 91 OF 2020
(Syam K. Bhavsar Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant (**Leave Note**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit-in-reply on behalf of respondent Nos. 1 to 3 and 5.

3. S.O. to 20.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 141 OF 2020
(Anil D. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted as a last chance.

3. S.O. to 20.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 169 OF 2020
(Megha P. Kapure Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri S.V. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer files affidavit in reply on behalf of respondent. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 22.10.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 181 OF 2021
(Ravindra B. Kanade Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 and Shri A.D. Aghav, learned Advocate for respondent No. 2. Smt. Dipali D. Wagh, learned Advocate for respondent No. 3, **absent**.

2. Record shows that affidavit in reply is filed only on behalf of respondent No. 3. Record further shows that on last date i.e. on 02.09.2021 one more last chance was granted to the respondent No. 1 for filing affidavit in reply, however, the said opportunity is not availed by him.

3. In the circumstances, subject to payment of costs of Rs. 1000/- (Rs. One Thousand Only) as condition precedent, time is granted to the respondent No. 1 for filing affidavit in reply. The amount of costs shall be deposited in the Registry of this Tribunal.

4. Learned Advocate for respondent No. 2 submits that the respondent No. 2 is a formal party and he would adopt the affidavit in reply of respondent No. 1.

5. S.O. to 12.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 215 OF 2021
(Dr. Mangesh M. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The present matter be placed before the learned Member (A).
3. S.O. to 24.09.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 442 OF 2021
(Nikhil S. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Shri A.B. Chalak, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 and 2.

2. Learned Advocate Shri A.K. Shaikh, appeared and submits that he has received instructions from the respondent Nos. 3 & 4 to appear on their behalf. He submits that he will file VAKALATNAMA on behalf of respondent Nos. 3 & 4 on the next date of hearing.

3. At the request of learned Presenting Officer for the respondent Nos. 1 & 2 and learned Advocate for respondent Nos. 3 & 4, time is granted for filing affidavit in reply.

4. S.O. to 25.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 453 OF 2021
(Indrajeet M. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

2. Learned Presenting Officer files affidavit in reply on behalf of sole respondent. Same is taken on record and copy thereof has been served on the other side.
3. S.O. to 25.10.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 489 OF 2021
(Sanjay N. Hange Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Abhijeet Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 27.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 565 OF 2021
(Anil V. Chatlawar Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 14.10.2021.
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

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O.A. No. 565/2021

produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 14.10.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 973 OF 2018
(Rajaram Z. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 and 2 and Smt. Suvarna Zaware, learned Advocate for respondent No. 3.

2. Record shows that the affidavit in reply is jointly filed on behalf of respondent Nos. 1 and 2 and separate affidavit in reply on behalf of respondent No. 3 is also filed on record.

3. Learned Advocate for the applicant submits that today he has received copy of the affidavit in reply on behalf of respondent Nos. 1 and 2. Affidavit in reply on behalf of respondent No. 3 is already received by him.

4. In view of the same, matter is fixed for filing rejoinder affidavit, if any.

5. S.O. to 22.10.2021.

MEMBER (J)

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

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

DATE : 23.09.2021

ORAL ORDER :

Shri S.D. Dhongde, learned Advocate for the applicant (**Leave Note**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 22.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 144 OF 2021
(Vithal T. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

2. 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 26.10.2021 for filing sur-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 497 OF 2020
(Bhujang V. Godbole Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

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

3. S.O. to 12.10.2021.

MEMBER (J)

M.A. No. 456/2019 in O.A. St. No. 1749/2019
(Sandip V. Ganage Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Govind B. Chate, learned Advocate holding for Shri S.R. Andhale, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3. Shri S.D. Dhongde, learned Advocate for respondent No. 4 (Leave Note).

2. Learned Advocate for the applicant produced on record documents needed for hearing in this matter. Those documents are taken on record and marked as document 'X' collectively for the purpose of identification.

3. In view of leave note filed by the learned Advocate for the respondent No. 4, S.O. to 20.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 486 OF 2021
(Dr. Vishnudas D. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the impugned transfer order of the applicant dated 24.08.2021 issued by the respondent No. 1 is now cancelled by the order dated 30.08.2021 issued by the respondent No. 1. He placed on record a copy of the Government Order dated 30.08.2021. It is taken on record and marked as document "X" for the purpose of identification. It shows that the impugned transfer order of the applicant dated 24.08.2021 is hereby cancelled.

3. In view of the same, noting remains to be decided in the present Original Application. Hence, the Original Application stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1082 OF 2019
(Naresh W. Sakpal Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Naresh W. Sakpal, applicant in person and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of applicant in person, S.O. to 01.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 510 OF 2020
(Priyadarshi S. Maske Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Shri V.S. Panpatte, learned Advocate for the applicant
(Absent). Heard Shri M.S. Mahajan, learned Chief
Presenting Officer for the respondents.

2. Await service of notices on the respondents.
3. S.O. to 25.10.2021.

MEMBER (J)

O.A. Nos. 379, 408, 536, 537, 538, 539, 550, 551 & 704 All of 2018

(Dr. Kanchan T. Bhorge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, 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. Learned Advocate for the applicants submits that the order of amendment is complied with by making amendment in the O.As., as well as, in the copy of the respondents.

3. Record shows that pleadings up to rejoinder are complete in the O.As.

4. Learned Chief Presenting Officer seeks time for filing additional affidavit in reply in respect of amended portion. Time granted.

5. S.O. to 27.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 487 OF 2021
(Chatrabhuj G. Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the designation of the respondent No. 2 is wrongly mentioned as "Superintending Engineer" instead of "Chief Engineer". Therefore he seeks leave to correct the same. He further submits that in the title clause of the respondent No. 5 Sub-Division is wrongly mentioned as "Testing Sub-Division" instead of "Parirakshan Sub Division". He therefore, seeks leave to correct the same.

3. Leave as prayed for by the applicant is granted. The applicant shall carry out the necessary corrections in the O.A. forthwith.

4. Issue fresh notice to the respondent Nos. 2 & 5, returnable on 26.10.2021.

5. 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. No. 478/2021

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.

9. S.O. to 26.10.2021.

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

11. The present matter be placed on separate board.

MEMBER (J)

M.A. No. 303/2021 in O.A. No. 438/2021
(Sambhaji K. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

2. The present Misc. Application is made by the applicant seeking amendment in the O.A.

3. The Original Application is filed challenging the transfer order of the applicant dated 29.07.2021 issued by the respondent thereby transferring the applicant from the post of Agricultural Supervisor, Taluka Agricultural Office, Paranda, Circle Anala, Headquarter Anala to the post of Agricultural Supervisor, Divisional Joint Director, Latur Division, Latur. In the Original Application, the applicant has also sought direction against the respondent to consider the claim of the applicant on any vacant post as per the options given in view of the G.R. dated 09.04.2018 at the time of counseling i.e. Government Horticulture Nursery, Washi and Sub Divisional Agricultural Officer, Bhoom.

4. It is contended that during pendency of the present Original Application, the respondent is issued

//2//

M.A. 303/2021 in
O.A. 438/2021

order dated 30.08.2021, thereby posting Shri Pravin Vitthalrao Patil at Taluka Horticulture Office, Washi. Hence, he seeks amendment to incorporate the said contention by joining the said Shri Pravin Vitthalrao Patil as respondent No. 2 in the Original Application.

5. Considering the proposed amendment, it is evident that the applicant is bringing on record the subsequent development relevant to the contentions raised in the Original Application. Hence, in my opinion, the proposed amendment is just and necessary to determine the real question of controversy between the parties and would not change the nature of the original proceedings. Hence, I pass following order:-

ORDER

1. The M.A. No. 303/2021 is allowed.
2. The applicant shall carry out the necessary amendment in the O.A. forthwith.
3. Accordingly, M.A. stands disposed of with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 438 OF 2021
(Sambhaji K. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

2. Issue notice to the respondent Nos. 1 & 2, returnable on 20.10.2021.
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

//2//

O.A. No. 438/2021

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 20.10.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (J)

C.P.NO.41 OF 2019 INO.A.NO.25 OF 2018
(Sachin R. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

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

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

3. S.O. to 21.10.2021.

MEMBER (A)

MEMBER (J)

**C.P.NO.01 OF 2020 IN O.A.NO.842 OF 2016
(Dr. Asha A. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Shamsundar D. Patil, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

3. S.O. to 14.10.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.18 OF 2020 INO.A.NO.665 OF 2019
(Dr. Vaishali S. Ganjewar Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Shamsundar D. Patil, learned Advocate for the applicant and Smt. M.S. Patni, 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 14.10.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.9 OF 2021 INO.A.NO.70 OF 2018
(Dadabhau T. Parte Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, 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 18.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.150 OF 2021
(Mayur P. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard 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 18.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.349 OF 2021
(Anil C. Hugge & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate holding for Shri R.K. Ashtekar, learned Advocate for the applicants and Shri M.P. Gude, 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 22.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.212 OF 2019
WITH
ORIGINAL APPLICATION NO.213 OF 2019
WITH
ORIGINAL APPLICATION NO.214 OF 2019
(Sundar S. Waghmare & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri D.R. Irale patil, learned Advocate for the applicants in all the O.As. and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in all the O.As.

2. Record shows that the pleadings are complete. The matters are pertaining to seniority. The same are admitted and fixed for final hearing on 29.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.355 OF 2019

(Nagesh N. Unche & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri D.R. Irale patil, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent nos.1 & 2 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the respondent nos.3 to 5.

2. Record shows that the pleadings are complete. The matter is pertaining to seniority. It is admitted and fixed for final hearing on 29.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.17 OF 2020 IN O.A.NO.1072 OF 2019
(Ajit S. Solunke & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants in the present M.A., Shri D.R. Irale patil, learned Advocate for the respondent no.1/applicant in O.A. and Shri V.R. Bhumkar, learned Presenting Officer for the respondent no.2. Shri Suresh D. Dhongde, learned Advocate for the respondent no.3 has filed **leave note**.

2. Learned Advocate for the respondent no.1 and learned P.O. for the respondent no.2 submit that they do not wish to file affidavit-in-reply.

3. The present M.A. is adjourned for hearing on 29.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.439 OF 2019
(Prakash M. Ishware Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent no.1 & 3 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the respondent nos.4 to 7. Shri Santosh S. Mene, learned Advocate for the respondent no.2 (**Absent**).

2. Record shows that the pleadings are complete. The matter is pertaining to seniority. It is admitted and fixed for final hearing on 29.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.535 OF 2019
(Nitin D. Ingale Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Record shows that the pleadings are complete. The matter is pertaining to seniority. It is admitted and fixed for final hearing on 29.10.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.62 OF 2020 IN O.A.NO.775 OF 2019
(Rajendra N. Shelke & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri S.G. Kulkar, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants in the present M.A., Shri D.R. Irale Patil, learned Advocate for respondent no.1/applicant in O.A. and Shri V.R. Bhumkar, learned Presenting Officer for the respondent no.2. Shri S.D. Dhongde, learned Advocate for the respondent nos.3 & 4 has filed **leave note**.

2. Learned Advocate for the respondent no.1 and learned P.O. for respondent no.2 submit that they do not wish to file affidavit-in-reply.

3. The present M.A. is adjourned for hearing on 29.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.356 OF 2019 IN O.A.ST.NO.1530 OF 2019
(Ranjana D. Jaybhaye Vs. State of Maharashtra & Ors.)**

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

DATE : 23.09.2021

ORAL ORDER :

Shri S.D. Munde, learned Advocate for the applicant is **absent**. Heard Shri M.S. Mahajan, learned 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 respondent nos.1 and 3.

3. S.O. to 26.10.2021.

MEMBER (A)

MEMBER (J)

M.A.NO.443 OF 2019 IN O.A.NO.335 OF 2019
(Hanumant V. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Smt. Priya R. Bharaswadkar, learned Advocate holding for Shri R.N. Bharaswadkar, learned Advocate for the applicants in the present M.A./respondent nos.4 & 5 in O.A., Shri M.P. Gude, learned Presenting Officer for the respondent nos.1 to 3 and Shri S.V. Bhopi, learned Advocate holding for Shri V.R. Dhorde, learned Advocate for the respondent nos.4 in the present M.A./applicant in O.A.

2. Record shows that M.A.No.443/2019 is filed by the original respondent nos.4 & 5 in O.A. for modifying of interim relief granted in favour of the applicant in O.A.

3. During pendency of the said application, this Tribunal directed learned C.P.O. by order dated 19.09.2019 to produce the original record. Record further shows that by order dated 19.09.2021, the original application was adjourned and fixed for final hearing.

4. In the circumstances, in our considered opinion, it would be just and proper to fix M.A.No.443/2019 along

//2// M.A.443/19 IN O.A.335/19

with O.A.No.335/2019 and to hear the Original Application finally. Learned P.O. is directed to produce the original record before this Tribunal on that date positively.

5. S.O. to 20.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A.NO.552 OF 2019 IN O.A.ST.NO.1681 OF 2019
(Sushma E. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Shri S.S. Jadhavar, learned Advocate for the applicant is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 18.10.2021 for filing affidavit-in-rejoinder, if any.

MEMBER (A)

MEMBER (J)

M.A.NO. 289/2021 IN O.A.St.NO. 1162/2021
(Holambe N. Dagdu & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Shri C.V. Dharurkar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Heard learned Advocate for the applicants on the point of interim relief.

3. Learned Presenting Officer submitted that today the meeting is being held between the Chief Secretary and Principal Secretary of Public Health Department in respect of recruitment. Hence, he seeks time till tomorrow for advancing arguments. Time granted as prayed for.

4. S.O. to 24.9.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 569 OF 2021
(Jagannath 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 : 23.09.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 24.9.2021 for orders.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.09.2021-HDD

ORIGINAL APPLICATION NO. 26 OF 2019
(Vinod S. Muley Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant pointed out farad-sheet dated 22.2.2019 in paragraph No. 9 thereof show cause notice has been issued to the respondent No. 4 by name as to under what authority of law he is entitled to stop payment of pension of the applicant. Learned Advocate for the applicant submits that to his knowledge no reply to the said show cause notice is given by the respondent No. 4.

3. Moreover, record shows that since 5.7.2021 he is seeking progress report in respect of the proposal of closing departmental enquiry against the applicant made before the higher authority. Today, also learned Presenting Officer placed on record a copy of communication dated 20/21.9.2021 received by the office of learned Chief

:: - 2 - :: O.A. NO. 26 OF 2019

Presenting Officer, thereby it is stated that no communication is received in that regard from the Government. The copy of the said communication dated 20/21.9.2021 is taken on record and marked as document 'X-1' for the purpose of identification.

4. Learned Presenting Officer submitted that the matter will be persuaded appropriately before the next date.

5. S.O. to 20.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 715 OF 2019
(Sushma E. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri S.R. Shirsath, learned Advocate holding for Shri S.S. Jadhavar, 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 11.10.2021.

MEMBER (A)

MEMBER (J)

T.A.NO. 1/2018 (W.P.NO. 15249/2017)
(Chanda R. Hingole Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Sujeet D. Joshi, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed sur-rejoinder on behalf of the respondent No. 1 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 14.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.09.2021-HDD

ORIGINAL APPLICATION NO. 12 OF 2018
(Khandu T. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Manish P. Tripathi, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 29.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 854 OF 2018
(Bhima S. Chakale Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Manish P. Tripathi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 29.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 927 OF 2018
(Shamrao N. Kadam & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Vilas P. Savant, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 20.10.2021.

MEMBER (A)

MEMBER (J)

O.A.NO. 339/2019 WITH O.A.NO. 340/2019
(Dr. Kishor S. Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 23.09.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant in both the cases and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 11.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 23.09.2021-HDD

**O.A. 722/19 with M.A. 233/21 With M.A. 293/21
(Gajanan B. Bansode & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 23.9.2021.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants in the present O.A. (respondent Nos. 5 to 9 in the M.A. No. 233/2021), Shri V.B. Wagh, learned Advocate for the applicants in the M.A. No. 233/2021, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for the Respondent No. 4, Shri V.V. Deshmukh, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 in O.A., Shri G.J. Pahilwan, learned Advocate holding for Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 in O.A., Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 in O.A. and Shri Sandeep Dere, learned Advocate for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162,

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O.A. 722/2019 with
M.A. 233/2021

171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 and Shri Ashish Rajkar, learned Advocate for the respondent Nos. 105, 317, 443 & 458 in O.A.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 in O.A. and the same is taken on record and copy thereof has been served on the other side.

3. Shri A.S. Deshmukh, learned Advocate for the Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 has filed affidavit in reply on their behalf in O.A. and the same is taken on record and copy thereof has been served on the other side.

4. Shri G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 has filed affidavit in reply on their

:: - 3 - :: O.A. 722/19 with
M.A. 233/21

behalf in O.A. and the same is taken on record and the copy thereof has been served on the other side.

5. Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent Nos. 5 to 9 has filed affidavit in reply on their behalf in M.A. No. 233/2021 and the same is taken on record and copy thereof has been served on the other side.

6. Shri V.B. Wagh, learned Advocate for the applicants in the M.A. No. 233/2021 has filed entire revised list and the same is taken on record.

7. Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 in O.A. seeks time for filing affidavit in reply on their behalf. Time granted.

8. S.O. to 30.9.2021.

MEMBER (A)

MEMBER (J)

M.A. NO. 293/21 IN O.A. NO. 722/19
(Ramakant N. Sadawarte Vs. State of Maharashtra & Ors.)

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

DATE : 23.9.2021.

ORAL ORDER :

Heard Shri R.N. Chavan, learned Advocate the applicant, Shri M.S. Mahajan, learned Chief presenting Officer for respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for respondent No. 4 and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the respondent Nos. 5 to 9 (original applicants).

2. Learned Advocate for respondent Nos. 5 to 9 (original applicants) submits that he does not wish to file affidavit in reply on behalf of respondent Nos. 5 to 9 in the present M.A.

3. S.O. to 30.9.2021.

MEMBER (A)

MEMBER (J)

Date :23.09.2021

**M.A.NO.307 OF 2021 IN O.A.ST.NO.1307/2021
(Trymbak Vithalrao Chaudhari V/s The State of
Maharashtra & Ors.)**

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

1. Smt. Suchita A. Dhongde, ld. Advocate for the applicant and Smt. M.S. Patni, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A.No.307/2021, returnable on 26.10.2021. The case be listed for admission hearing on 26.10.2021.
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 :23.09.2021

**M.A.NO.306 OF 2021 IN O.A.ST.NO.1305/2021
(Kiransingh Asaram Pal V/s The State of
Maharashtra & Ors.)**

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

1. Smt. Suchita A. Dhongde, ld. Advocate for the applicant and Shri M.P. Gude, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A.No.306/2021, returnable on 26.10.2021. The case be listed for admission hearing on 26.10.2021.
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 : 23.9.2021

O.A. 574/2021

(Latabai B. Savant V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, 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 26.10.2021. The case be listed for admission hearing on 26.10.2021.

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