

ORIGINAL APPLICATION NO. 53 OF 2018
(Shri Sopan E. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021.

ORAL ORDER :

Heard Shri H.V. Tungar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. to 06.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 959 OF 2018
(Smt. Madhvi P. Singdar Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021.

ORAL ORDER :

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

2. Record shows that pleadings up to sur-rejoinder are complete. Considering the facts and circumstances, the present matter is kept for hearing at the stage of admission on 22.07.2021.

MEMBER (A)

MEMBER (J)

M.A. No. 180/2020 in O.A. No. 58/2020
(Shri Ritesh R. Kaware & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021.

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos. 1 to 3 and Shri A.S. Deshmukh, learned Advocate for respondent No. 4.

2. Learned Advocate for the applicant seeks permission to withdraw the present M.A. contending that pleadings of the O.A. are complete and it can be taken up for hearing.

3. In the facts and circumstances, permission is granted to withdraw the present M.A. Hence, the M.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 58 OF 2020
(Shri Ritesh R. Kaware & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021.

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos. 1 to 3 and Shri A.S. Deshmukh, learned Advocate for respondent No. 4.

2. Record shows that pleadings are complete up to rejoinder affidavit. Considering facts and circumstances of the case, it is kept for hearing at the stage of admission on 27.07.2021.

MEMBER (A)

MEMBER (J)

**M.A. 116/2021 with M.A. 237/2019 in O.A. 42/2014
(State of Maharashtra & Ors. Vs. Smt. Surekha B. Andhale & Ors.)**

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

DATE : 23.06.2021.

ORAL ORDER :

Heard Shri D.R. Patil, learned Presenting Officer for the applicants in the present M.A. (Respondents in O.A.) and Shri S.R. Shirsath, learned Advocate for the Respondents (applicants in O.A.)

2. At the request of learned Presenting Officer for the applicants (respondents in O.A.), S.O. to 25.06.2021.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 23.06.2021

ORIGINAL APPLICATION NO. 30 OF 2018
(Smt. Rohini S. Deokar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 107 OF 2019
(Smt. Manjusha E. Kute (Khade) Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021.

ORAL ORDER :

O.A. No. 30/2018

Shri V.B. Wagh, learned Advocate for the applicant (**Leave Note**). Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents, present.

O.A. No. 107/2019

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 4. Shri V.B. Wagh, learned Advocate for respondent No. 5 (**Leave Note**).

2. In view of leave note filed by learned Advocate Shri V.B. Wagh, S.O. to 25.06.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1069 OF 2019
(Shri Prabhakar M. Kathar Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021.

ORAL ORDER :

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

2. Record reveals that by the order dated 18.03.2020 last chance was granted to the respondents for filing affidavit in reply. Thereafter, the matter has not appeared on board due to COVID-19 pandemic situation. Record further shows that by the order 02.03.2020 passed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in W.P. No. 15275 of 2019 hearing of the O.A. is expedited. Today, the present matter is appeared on board by way of urgent circulation.

3. Learned P.O. seeks one more last chance for filing affidavit in reply on behalf of respondents.

4. In the facts and circumstances, last chance is granted to the respondents for filing affidavit in reply.

5. S.O. to 08.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 278 OF 2021
(Dr. Udaykumar D. Padhye Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021.

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the applicant today placed on record short affidavit explaining the source of getting impugned document dated 15.06.2021, Annexure A-5 at paper book page No. 25, wherein the name of the applicant does not appear for promotion to the post of Administrative Officer. Incidentally, the applicant has also filed copy of outcome of Departmental Enquiry held against him, which is imposing of minor punishment of censure and taking note thereof in service book. In the letter dated 15.06.2021, Annexure A-5 time limit therein is of 7 days. Learned Advocate for the applicant seeks interim relief in terms of prayer clause 17 (C) to direct the respondents not to proceed with the process of promotion from the cadre of Office Superintendent to the cadre of Administrative Officer in terms of Annexure A-5 dated 15.06.2021.

//2//

O.A. No. 278/2021

3. Learned C.P.O. on the other hand opposed the submissions raised on behalf of the applicant and contended that short time may be granted for producing the record of the D.P.C. touching to the promotion process and also to file affidavit in reply. We would like to know criteria for preparing seniority list dated 15.06.2021 before considering interim relief prayer.
4. The point of Interim Relief is kept open.
5. S.O. to 28.06.2021.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 23.06.2021

O.A.NO.123/2021 WITH M.A.ST.NO.636/2021
(Gaurishankar Swami Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021

ORAL ORDER :

Heard Shri K.G.Salunke, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondents and Shri S.A.Ambad learned Advocate for the intervener (applicant in M.A.).

2. Arguments advanced by the learned Advocate for the applicant as well as the learned P.O. are heard at some length.

3. Case be treated as **part heard**.

4. S.O. tomorrow i.e. on 24-06-2021.

MEMBER (J)

M.A.NO.126/2020 IN O.A.ST.NO.381/2020
(Vishwambhar Tidke Vs. State of Maharashtra & Ors.)

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

DATE : 23.06.2021

ORAL ORDER :

Heard Shri S.R.Sapkal, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Heard arguments advanced by the learned Advocate for the applicant as well as the applicant at length.

3. Matter is closed for order.

MEMBER (J)

**M.A.NO.160/2021 WITH M.A.NO.161/2021 IN
O.A.NO.858/2018
(Sangita S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 23.06.2021

ORAL ORDER :

Heard Shri J.B.Choudhary, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. Heard arguments advanced by the learned Advocate for the applicant as well as the applicant at length.
3. M.A.No.160/2021 and 161/2021 are closed for order.

MEMBER (J)

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

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

DATE : 23.6.2021

ORAL ORDER :

Heard Shri L.V. Sangit, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that pleadings are complete.
3. This is a matter pertaining to appointment on compassionate ground. In view of the same, the present case is kept for hearing at the stage of admission.
4. S.O. to 19.07.2021.

MEMBER (J)

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

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

DATE : 23.6.2021

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 Advocate for the applicant submits that the applicant availed leave due to illness from 17.12.2019 to 23.02.2020. She joined duties on 24.02.2020. Since then she worked at Civil Hospital, Nandubar till June, 2020. By the impugned order dated 24.06.2020 she was transferred on deputation at Civil Hospital, Nashik. He submits that the applicant has not received her salary since February, 2020 and accordingly has prayed for interim relief in terms of prayer clause 'C'.

3. Record shows that by order dated 5.5.2021 last chance was granted to the respondents to file affidavit in reply. At that time, it is submitted on behalf of the respondents that para-wise remarks from the concerned respondents were received. Today, however, learned Presenting Officer submits that affidavit in reply is not ready and seeks time to file affidavit in reply.

:: - 2 - :: O.A. NO. 459 OF 2020

4. Considering the above facts and circumstances, learned Presenting Officer to seek instructions as regards the payment of salary to the applicant, by the next date positively and to file affidavit in reply.

5. S.O. to 8.7.2021.

MEMBER (J)

ORAL ORDERS 23.6.2021-HDD

**ORIGINAL APPLICATION ST. NO. 318 OF 2021
(Bhagaji M. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 23.6.2021

ORAL ORDER :

Heard Shri Vishnu Y. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 30.06.2021.

MEMBER (J)

**M.A.NO. 162/2021 IN O.A.ST.NO. 623/2021
(Syyad Yusuf S/o.Syyad Lal & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 23.6.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The Original Application is filed for seeking directions against the respondent authorities to pay the arrears of wages as per the notifications dated 15.02.2003 and 28.09.2010 issued by the Government. All the applicants are working under respondent No. 3. They are praying for the same identical relief. Considering the same in order to avoid multiplicity of the proceedings, the present M.A. is allowed and the applicants are permitted to sue the respondents jointly, subject to payment of requisite court fee stamp, if not paid already.

3. Accompanying O.A. be registered and numbered after removal office objections, if any. The present Miscellaneous Application stands disposed of accordingly with no order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 623 OF 2021
(Syad Yusuf S/o.Syad Lal & Ors. Vs. State of
Maharashtra & Ors.)**

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

DATE : 23.6.2021

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 12.07.2021.

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. ST.NO. 623 OF 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 12.07.2021.

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

MEMBER (J)

ORAL ORDERS 23.6.2021-HDD

**M.A.ST. NO. 636/2021 IN O.A.NO. 123/2021
(Anurath T. Chandmare Vs. State of Maharashtra & Ors.)**

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

DATE : 23.6.2021

ORAL ORDER :

Heard Shri S.A. Ambad, learned Advocate for the intervener, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri K.G. Salunke, learned Advocate for respondent No. 5 – applicant in O.A.

2. By this Misc. Application the applicant herein who admittedly not a Government servant seeking to intervene in O.A. No. 123/2021. It is stated that respondent No. 5 – applicant in O.A. has been transferred vide order dated 22.02.2021 from the post of Executive Engineer, National Highway Division, Latur to the post of Executive Engineer, (Public Work) Zilla Parishad, Hingoli. The said order was passed at the instance of this applicant. According to the applicant herein, respondent No. 5 misused his powers while carrying out his work and committed fraud of Rs. 500 crores. Respondent No. 5 – applicant in O.A. is having relation with the contractors and political party leaders. The said order of transfer dated 22.02.2021 is challenged by the respondent No. 5 – applicant in O.A. No. 123/2021. The present applicant wants to bring all the facts relating to work of respondent No. 5 – applicant in O.A. on record

and for that purpose he wants to intervene in the O.A. No. 123/2021.

3. Learned Advocate for the applicant in M.A. in his submission stated that the application is made pursuant to Order I Rule 10 (2) and Rule 8 (A) of Code of Civil Procedure. He submits that in the public interest the applicant in M.A. can be allowed to join as intervener in the O.A. He also relied upon the decision of the Hon'ble Delhi High Court in the case of **J.R. ANAND VS. DELHI TRANSPORT CORPORATION decided on 9th February, 1981.**

4. On the other hand, learned Advocate for the respondent No. 5 – applicant in O.A. vehemently opposed the registration of the M.A. St. No. 636/2021 stating that the applicant herein has no *locus standi* to file intervention application as he is totally stranger and private party and not a Government servant. He submits that under the garb of this application the Original Application cannot be converted into Public Interest Litigation and such litigation cannot be entertained by this Tribunal. In support of his submissions, he relied on the decision of this Tribunal in M.A. No. 234/2017 With O.A. No. 419/2017 (Smt. Ashwini V. Kanhadkar Vs. State of Maharashtra & Ors.) decided on 17.07.2017 and M.A. St. No. 1192/2020 In O.A. No.

**:: - 3 - :: M.A.ST. NO. 636/2021 IN
O.A.NO. 123/2021**

447/2020 (Vaishali Hinge Vs. State of Maharashtra & Others) on 02.11.2020. He also placed reliance on citation of the Hon'ble Supreme Court of India in the case of **DR. DURYODHAN SAHU AND OTHERS VS. JITENDRA KUMAR MISHRA AND OHTERS decided on 25.08.1998.** The said citation arises out of the proceeding before the Administrative Tribunal and it is specifically observed that the Administrative Tribunal constituted under the Act cannot entertain a public interest litigation at the instance of a total stranger.

5. Learned Advocate for the respondent No. 5 – applicant in O.A. also invited my attention to the Section 22 of the Administrative Tribunals Act, 1985. The said provision laid down procedure and powers of Tribunals. Sub-section (1) thereof laid down that a Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private.

6. In view of Sub-section (1) of Section 22 of the Administrative Tribunals Act, 1985, the provision of Order I

**:: - 4 - :: M.A.ST. NO. 636/2021 IN
O.A.NO. 123/2021**

Rule 8 (A) & Rule 10 of Code of Civil Procedure cannot be invoked especially when the applicant is a totally stranger and is not a Government servant. In that view of the matter he cannot be said to be a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal as per Section 19 of the Administrative Tribunal Act, 1985. In my considered opinion, the O.A. cannot be converted into Public Interest Litigation by allowing intervention of this applicant, who is a totally stranger.

7. In view of the above, in my considered view that the applicant herein has no *locus standi* to intervene in the O.A. Hence, the present M.A. St. No. 636/2021 stands rejected. There shall be no order as to costs.

MEMBER (J)