

ORIGINAL APPLICATION NO. 648 OF 2019
(Kishor G. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. During course of arguments, it transpires that in order to have the effective adjudication of this matter the absorption order of the applicant in Grade C-2 dated 05.06.2014 as well as C.P.C. minutes dated 19.10.2016 to the post of Grade C(1) would be necessary.

3. In view of the same, the learned C.P.O. to place these documents on record by the next date and learned C.P.O. also to enlighten as to under which provision of M.C.S. Rules, recovery of excess amount is ordered from the pension of the applicant.

4. The present matter be treated as part heard.

5. S.O. to 18.04.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 146 OF 2020
(Ankush H. Manbhare Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities. Shri S.A. Desehmukh, learned Advocate for the respondent No.4, **absent**.

2. S.O. to 20.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.03.2023.

ORIGINAL APPLICATION NO. 136 OF 2020
(Rameshwar G. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

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

2. S.O. to 19.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.03.2023.

**O.A.NO. 1040 OF 2019 WITH O.A.NO. 1042 OF 2019
(Santosh S. Raut & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 24.03.2023

ORAL ORDER :

Shri Prashant Deshmukh, learned Advocate for the applicants in both the O.A.s (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities in both the O.A., is present.

2. S.O. to 19.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.03.2023.

T.A. 11/1999 (W.P. 3251/1993)
T.A. 19/1999 (W.P. 2311/1994)
T.A. 26/1999 (W.P. 2772/1993)
T.A. 47/1999 (W.P. 776/1993)
T.A. 07/1999 (W.P. 3765/1997)
T.A. 06/2006 (W.P. 4261/1995)
T.A. 36/2002 (W.P. 3007/1991)
M.A. 311/2008 in T.A. 42/1999 (W.P. 1274/1991)
T.A. 17/1999 (W.P. 2791/1994)
T.A. 35/1998 (W.P. 296/1998)
M.A. 309/2008 in T.A. 24/1999 (W.P. 3607/1993)
M.A. 306/2008 in T.A. 36/1999 (W.P. 652/1994)
T.A. 28/1999 (W.P. 1253/1991)
T.A. 30/1999 (W.P. 617/1994)
T.A. 33/1999 (W.P. 3796/1997)
T.A. 34/1999 (W.P. 3620/1997)
T.A. 37/1999 (W.P. 1382/1994)
T.A. 14/1999 (W.P. 3770/1997)
T.A. 16/1999 (W.P. 1226/1991)
T.A. 13/1999 (W.P. 777/1995)
T.A. 20/1999 (W.P. 882/1991)
T.A. 38/1999 (W.P. 329/1992)

**(Marathwada Serva Shramik Sanghatana through its
Joint Secretary M.S. Sonwane & Ors. V/s. State of
Maharashtra & Ors.)**

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

DATE : 24.03.2023

ORAL ORDER :

Shri S.K. Shelke, Shri S.R. Barlinges, Shri
Subhash Mundhe, Shri B.B. Yenge, learned
Advocates for the applicants in respective matters,
Shri Goverdhan Ganoji, party in person in

//2/ T.A.11/1999 (W.P.3251/1993
& Ors.)

T.A.No.06/2006 and Shri Vivek Bhavthankar, learned Advocate for the respondent Nos. 2 & 3 in T.A.No.11/2019, are **absent**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, is present.

2. S.O. to 05.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.03.2023

C.P. No. 20 OF 2023 in O.A. No. 295 OF 2021
(Dr. Zohra Sultana Ataulah Khan Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondent Nos. 2 to 5 in C.P., returnable on 13.06.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 13.06.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

C.P. No. 21 OF 2023 in O.A. No. 293 OF 2021
(Dr. Khan Bushra Sultana Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondent Nos. 2 to 5 in C.P., returnable on 13.06.2023.

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

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

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

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

7. S.O. to 13.06.2023.

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

MEMBER (A)

MEMBER (J)

C.P. No. 22 OF 2023 in O.A. No. 294 OF 2021
(Dr. Shaikh Kaleem Mustafa Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondent Nos. 2 to 5 in C.P., returnable on 13.06.2023.

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

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

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

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

7. S.O. to 13.06.2023.

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

MEMBER (A)

MEMBER (J)

C.P. No. 23 OF 2023 in O.A. No. 526 OF 2018
(Dr. Prachi K. Haridas Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondent Nos. 2 to 5 in C.P., returnable on 13.06.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 13.06.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

C.P. No. 24 OF 2023 in O.A. No. 780 OF 2019
(Dr. Shaikh Heena Navbahar Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

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

2. Issue notices to the respondent Nos. 2 to 5 in C.P., returnable on 13.06.2023.

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

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

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

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

7. S.O. to 13.06.2023.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1718 OF 2022
(Dinkar R. Bhosarikar Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri Anilkumar B. Dhongde, learned Advocate for respondent Nos. 3 & 4, **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 08.06.2023 for removal of office objection.

MEMBER (A)

KPB ORAL ORDERS 24.03.2023.

MEMBER (J)

M.A. No. 44/2023 in O.A. St. No. 61/2023
(Ramesh V. Mathpati and ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri Amol Kokad, learned Advocate holding for Shri V.R. Nawathe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicants, S.O. to 12.04.2023 for filing M.A. for sue jointly.

MEMBER (A)

KPB ORAL ORDERS 24.03.2023.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 437 OF 2023
(Balbir Singh Jagannath Prasad Tyagi Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 28.03.2023 for removal of office objection.

MEMBER (A)

KPB ORAL ORDERS 24.03.2023.

MEMBER (J)

**ORIGINAL APPLICATION NO. 14 OF 2021
(Jaykumar R. Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 09.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

MA 146/20 with MA St. 418/20 in OA St. 419/20
(Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari
Sanghatana Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri K.D. Khade, learned Advocate holding for Shri G.L. Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 07.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 24.03.2023.

**M.A. No. 202/2020 in O.A. St. No. 443/2020
(Rama L. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 24.03.2023

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 08.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 24.03.2023.

**M.A. No. 176/2021 in O.A. St. No. 498/2021
(Pruthviraj S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 24.03.2023

ORAL ORDER :

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

2. S.O. to 08.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 24.03.2023.

MA St. 1274/22 in MA 35/19 in OA St. 47/2019
(Rajendra P. Ghanwat & ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri A.B. Chalak, learned Advocate for the applicants in M.A. St. 1274/2022, Shri K.B. Jadhav, learned Advocate for the applicant in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 05.04.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 24.03.2023.

**ORIGINAL APPLICATION NO. 1102 OF 2022
(Meheebub Noor Mahammed Rangarej Vs. State of
Maharashtra & Ors.)**

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri V.V. Gujar, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri A.B. Chalak, learned Advocate for respondent No. 6.

2. Learned Advocate for the respondent No. 6 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer submits that during the course of the day affidavit in reply would be filed.

4. S.O. to 13.06.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 24.03.2023.

**ORIGINAL APPLICATION NO. 454 OF 2022
(Rajendra B. Kawale Vs. State of Maharashtra & Ors.)**

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri V.V. Gujar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant on instruction seeks permission to withdraw the present O.A., as the grievance raised in the present O.A. is redressed as the Government has issued G.R. dated 3.3.2023 giving age relaxation. Copy of the said G.R. is taken on record and mark as document 'X' for the purpose of identification.

3. Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 222 OF 2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri Ajay Deshpande, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned C.P.O. filed affidavit in reply on behalf of respondent Nos. 1 and 3. Same is taken on record and copy thereof has been served on the other side.
3. Learned Advocate for the applicants seeks liberty to add two pages to the seniority list (Annexure A-6) as 40-A and 44-A.
4. Liberty as prayed for by the applicants is granted.
5. S.O. to 28.03.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

M.A. No. 142/2023 in O.A. No. 215 OF 2023
(State of Maharashtra & Ors. Vs. Ratnaraj R. Jawalgekar)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in the present M.A. / respondents in O.A. and Shri Avinash Deshmukh, learned Advocate for the respondent in the present M.A./ applicant in O.A.

2. The Original Application is filed seeking main reliefs and interim relief as mentioned in para 12 of the Original Application in following terms :-

“12) THE APPLICANT, THEREFORE, PRAYS THAT

- A) *This Original Application may kindly be allowed thereby holding & declaring the action of Resp. No. 1 of not including applicant's name in the Select List of Deputy Directors fit for promotion as Joint Directors in the Maharashtra Finance & Accounts Services as wholly unsustainable & untenable in law.*
- B) *This Original Application may kindly be allowed thereby directing the Resp. No. 1 to include applicant's name at appropriate place in the Select List of Deputy Directors held fit for promotion as Joint Directors in the Maharashtra Finance & Accounts Services on the basis of meeting of the Departmental*

//2//

Promotion Committee/ Establishment Board held on 22/02/2023.

- C) *This Original Application may kindly be allowed thereby further directing the Resp. Nos. 1 and 2 to take all the consequential steps and promote the applicant from the cadre of Deputy Directors to the cadre of Joint Directors in the Maharashtra Finance & Accounts Services alongwith all the 33 officers held fit for said promotion in the meeting of the Departmental Promotion Committee/ Establishment Board held on 22/02/2023.*
- (D) *This Original Application may kindly be allowed thereby further directing the Respondents to extend to the applicant all the consequential service benefits to which he would become entitled in view of grant of Prayer Clauses "A" to "C" in his favour.*
- (E) *Costs of this Original Application may kindly be awarded to the applicant.*
- (F) *Any other appropriate relief as may be deemed fit by this Hon'ble Tribunal may kindly be granted.*

INTERIM RELIEF

- (G) *Pending the admission, hearing and final disposal of this Original Application the Resp. Nos. 1 and 2 may kindly be directed to keep one post of Joint Director in the Maharashtra Finance & Accounts Services from the Aurangabad Revenue Division vacant and not to fill up the same."*

3. The first hearing of the O.A. took place on 20.03.2023 and interim relief in favour of the

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applicant was granted in following terms of para Nos. 4, 5 & 6 :-

“4. The applicant has prayed for interim relief in terms of prayer clause – ‘G’ (page No. 20 of p.B.) which reads as follows:-

“G) Pending the admission, hearing and final disposal of this Original Application the Resp. Nos. 1 and 2 may kindly be directed to keep one post of Joint Director in the Maharashtra Finance & Accounts Services from the Aurangabad Revenue Division vacant and not to fill up the same.”

*5. Keeping one post vacant from the Revenue Division, Aurangabad at this stage when it is not known for which division the applicant choice may be considered in case the Original Application is allowed, **it is just and proper to direct the respondents not to allot Revenue Division till filing of affidavit in reply by the respondents.***

6. Learned C.P.O. assures to submit affidavit in reply within 15 days time.”

4. The original applicant has challenged exclusion of his name for promotion to the post of Joint Director, Maharashtra Finance and Accounts Services and Departmental Promotion Committee held on 22.02.2023.

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5. Affidavit in reply is filed on behalf of original respondent nos. 1 to 3 in the O.A. At the same time, the present M.A. No. 142/2023 is taken out by the original respondents seeking to vacate the interim relief order contending that due to the said order entire process of promotion is being held up. Moreover, one of the Officers is retiring on superannuation on 31.3.2023 and other two Officers are retiring by 30.4.2023.

6. After having considered the submissions of both the sides, we find that in the list of 33 candidates being selected for the post of Joint Director, Maharashtra Finance & Accounts Services, the name of the applicant does not appear. It is the contention of the respondents in their affidavit in reply that the name of the applicant was not considered for promotion due to pending criminal prosecution against him. The learned C.P.O. in oral submissions submitted that sealed cover procedure is followed in the case of the applicant.

7. Further, it is a fact that as against total vacant posts of 35, names for 33 posts are being selected and because of interim order of this Tribunal, there

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is difficulty in giving appointments on promotional posts.

8. It is pertinent to note here that by interim order the respondents are directed not to allot Revenue Division till filing of the affidavit in reply.

9. Considering the contentions raised by the respondents in their affidavit in reply, in our considered opinion, if the interim relief order is modified to the extent only of keeping one post vacant subject to accommodation of the Officers at Sr. Nos. 1 to 8 in the select list dated 24.2.2023 (Annex. A-6), who are stated to be senior to that of the applicant in the seniority list as per their preference of choices of Revenue Divisions until further orders, the interest of both the parties to the O.A. can be protected. Thereby no irretrievable prejudice would be caused to either of the parties. Hence, it is ordered accordingly.

10. In view of above, M.A. No. 142/2023 stands disposed of accordingly.

11. S.O. to 2.5.2023 for filing affidavit in rejoinder by the applicant, if any, in the O.A.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 355 OF 2016
(Shaikh Jamil Fakir Saheb Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate holding for Shri V.D. Gunale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. Shri N.S. Kadam, learned Advocate for respondent Nos. 3 & 4, **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 05.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 28 OF 2018
(Shashank B. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Shri G.J. Kore, learned Advocate for the applicant and Mahendra Kochar, learned Advocate for respondent Nos. 3 to 5, are **absent**.

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

2. Attention of learned Presenting Officer is invited to comply with the direction issued by this Tribunal vide farad sheet order dated 09.12.2021.

3. Learned P.O. submits that she would comply with the said order by next date of hearing.

4. S.O. to 14.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 800 OF 2018
(Kirankumar L. Bondar Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Shri V.M. Chate, learned Advocate for the applicant, is **absent**.

Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Record shows that nobody is appearing on behalf of the applicant since last 3 dates i.e. on 21.09.2022, 14.11.2022 & 17.02.2023. In view of the same, it appears that the applicant is not interested in prosecuting the matter. Hence, the O.A. stands dismissed in default.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 31 OF 2019
(Vivek P. Bhamre Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Shri K.A. Kale, learned Advocate for the applicant, is **absent**.

Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned Advocate holding for Shri N.R. Dayama, learned Advocate for respondent No. 4.

2. Record shows that nobody is appearing on behalf of the applicant since last 4 dates i.e. on 21.10.2022, 08.12.2022, 17.01.2023 & 17.02.2023. In view of the same, it appears that the applicant is not interested in prosecuting the matter. Hence, the O.A. stands dismissed in default.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 69-A/2023
(Afroj Jabbar Shekh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.03.2023

ORAL ORDER :

Heard Shri A.B. Chalak, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned C.P.O. filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side.

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

4. Admitted facts of the case are as follows:-

(a) M.P.S.C. had issued advertisement No. 05/2020 dated 28.02.2020 for 3 cadres including the cadre of Sub Inspector of Police, Grade B. Applicants were given opportunity to submit their online application from 28.02.2020 to 19.03.2020.

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(b) By a notification dated 04.03.2020, M.P.S.C. published advertisement in clause 3 of the said advertisement with following effect as shown in tabular form.

Particulars of notification	Marks combined Preliminary Exam	Marks of Main Exam	Marks for Physical Test	Marks of Interview
As per dt. 28.02.2020	100	200	100	40
As per amended schedule of exam notified on 04.03.2020	100	400	100	40

(c) Applicant is aggrieved by above revised scheme of exam by increasing weightage for written test. He has contended that the aforesaid amendment is prejudicial to the interest of the applicant. Learned Advocate for the applicant has cited judgment of Hon'ble Supreme Court in

(i) Appeal (Civil) 1492 of 2000, Maharashtra State Road TPT. Corporation & Ors. Vs. Rajendra Bhimrao Mandve & ors., delivered on 20.11.2001 and (ii) Civil Appeal No. 9482 of 2019 (Arising out of Special Leave Petition (Civil) No. 12245 of 2019, Dr. (Major) Meeta Sahai Vs. State of Bihar & Ors.

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(d) Applicant has also contended that amended clause 3 of the aforesaid advertgismnt No. 05/2020 issued by respondent No.2 is in violation with scheme of exam published by M.P.S.C. through it's document entitled "महाराष्ट्र दुय्यम सेवा अराजपत्रित, गट-ब परीक्षेची परीक्षा योजना" as mentioned in cause 10 of the said Advertisement.

(e) On the other hand, learned C.P.O. has contended that impugned amendment in the said advertisement had been notified at the very initial stage of the recruitment process and therefore, cannot be said to be in compromise with the principles of equal opportunity to all the candidates. Learned C.P.O. also contended that the General Guidelines issued by MPSC set out the manner in which gap in scheme of exam can be filled but those guidelines do not restrict or prevent incorporation of any different scheme of exam to meet job requirements. He has also contended that the case law cited by the Learned Advocate for the applicant have different ratio and therefore, are not applicable in the present case.

(f) We have also taken note of the fact that the Hon'ble High Court of Judicature at Bombay has vide it's judgment dated 10.01.2023 in W.P.No.

//4//

311 of 2023, observed in para Nos. 18 & 19 as follows:-

“18. Merely because the original scheme of consideration of marks obtained in physical test is restored, there is no reason for the petitioners to feel aggrieved. The revised marking pattern for physical test would be uniformly made applicable to all candidates participating in the selection process. It cannot be said that the decision of the Commission is arbitrary. In our view, therefore, the Tribunal has not committed any error in dismissing the Original Application of Petitioners.

19. Petition filed by the petitioners is thus devoid of merits, the same is dismissed without any order as to costs. Rule stand discharged.”

(g) In our considered opinion, general guidelines issued by M.P.S.C. as mentioned in para 10 of the said advertisement entitled as “महाराष्ट्र दुय्यम सेवा अराजपत्रित, गट-ब परीक्षेची परीक्षा योजना”, is facilitative in nature and it is in no way, restrictive so far as M.P.S.C's. right to incorporate different scheme of exam is concerned at the initial stage itself; so long as the same is not ultra vires to Article 14 and 16 of the Constitution of India or any statute or Rule framed by Competent Authority. We are also of considered opinion that the upward revision in total examination for main exam at initial stage of recruitment does not prejudice any segment of candidates and reason given for incorporating such

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amendment appears to be in interest of Police service in view of changing job requirements. Hence, the following order:-

ORDER

- (A) Original Application No. 69-A of 2023 is dismissed being devoid of merit.
- (B) No order as to costs.

MEMBER (A)

KPB ORAL ORDERS 24.03.2023.

MEMBER (J)

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)

And

THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)

Date: -24/03/2023

Sr · N o	Case No.	District	Advocate's & Applicant's Name	Subject	Next date	
25	OA213/20	J'gaon	Adv.Ajay S Deshpande (Apurva S Narale)	Appointment	For Hearing Reply Filed by R- 1 & R-2	19.06.23
26	OA328/20	Nanded	Adv.P.S. Anerao (ShaikhShamshodinHamidod din) <u>Adv.V.C. Suradkar for R.No5</u> <u>Adv.B.G. Deshmukh for R.No.4</u>	Promotion	For Admission Reply Filed by R- 1 to R-5	19.06.23
27	OA523/20	A'bad	Adv.Ajay S Deshpande (Rajkumar G Sonawane)	Promotion	For Hearing Reply Filed by R- 1	15.06.23
28	OA04/21	J'gaon	Adv.Ajay S Deshpande (Kiran S Pawar)	Promotion	For Hearing Reply Filed by R- 1 & R-2	15.06.23
29	OA163/21	Dhule	Adv.Sanket N Suryawanshi (NisarKhaAbdullatifKhaPath an)	Departmental Enquiry	For Hearing	14.06.23
30	OA176/21	Beed	Adv.B.V. Thombre/ Adv.S.M. Gunjal (Ganesh B Gambhire)	Promotion	For Hearing Reply Filed by R-	16.06.23

					1 to R-3	
31	OA390/21	Latur	Adv.S.S. Thombre (Govind D Mane) <u>Adv.Suhas P Urgunde for R.No.3</u>	Absorption	For Hearing	16.06.23
32	OA472/21	A'bad	Adv.B.R. Kedar (Dr.Rahul R Salve)	Termination/ Continuation	For Admission	16.06.23
33	OA485/21	Beed	Adv.S.D. Tambat-Dhumal/ Adv.M.G. Deokate (Amol J Kale) <u>Adv.SanjayWakure for R.No.5</u> <u>Adv.D.A. Madke/Adv.A.B. Chalak for R.No.6</u>	Selection List/ Selection Process	For Hearing Reply Filed by R- 1 to R-4 &	16.06.23
34	OA758/21 with	N'bar	Adv.Rahul O Awasarmal (Suhas A Pathak)	Seniority/ Seniority List	For Hearing/ Dismissal Reply Filed by R-2 & R-3	19.06.23
35	OA769/21	N'bar	Adv.Rahul O Awasarmal (Vaishali S Landge)	Seniority/ Seniority List	For Hearing/ Dismissal Reply Filed by R- 2 & R-3	19.06.23
36	OA204/22	Nanded	Adv.S.B. Kakde (Ganesh S Bangale)	Termination/ Direction	For Admission Reply Filed by R- 1 to R-3	28.04.23
37	OA225/22	Latur	Adv.K.B. Jadhav (Sanjaykumar N Deshatwar)	Exemption From Passing Departmental Exam/ Benefit of T.B.P.	For Admission Reply Filed by R- 2	16.06.23
38	OA373/22	N'bar	Adv.D.S. Mutalik (Dr.Vandana P Sonone)	Exemption From Examintation	For Hearing Reply Filed by R- 1 to R-5	21.04.23

39	OA390/22	Nanded	Adv.Rahul R Karpe (Rajdeepsingh G Sardar)	Promotion	For Hearing Reply Filed by R- 1 to R-3	11.04.23
Final Hearing Matters						
40	OA06/18	Latur	Adv.Avinash S Deshmukh (Ganesh B Kundle)	Removal From Service	Reply Filed by R- 1 to R-3	15.06.23
41	OA666/18	Jalna	Adv.VivekPingle (Laxmi S Gadge)	Promotion	Reply Filed by R- 1 & R-2	28.04.23
42	OA626/19 With	A'nagar	Adv.S.K. Mathpati (Sheshrao R Giri)	Challenging G.R./ Addl. Increment	Reply filed By R-1 to R-4 & R-6 to R-9	05.06.23
43	OA641/19 With	A'nagar	Adv.S.K. Mathpati (Vinod S Wadekar&Ors)	Challenging G.R./ Addl. Increment	Reply filed By R-1 to R-3 & R-5 to R-12	05.06.23
44	OA642/19	Latur	Adv.S.K. Mathpati (Nandkishor B Pathak)	Challenging G.R./ Addl. Increment	Reply filed By R-1 to R-10	05.06.23
45	OA721/19	Beed	Adv.S.D. Dhongde (Bhagwan W Landge)	Pension &Pensionery Benefits	Reply Filed by R- 2	26.04.23
46	OA54/20	Jalna	Adv.Kishor D Khade (Bharatlal T Dhupe)	Appointment	Reply Filed by R- 1 to R-4	24.04.23

Old Matters For Final Hearing Peremptorily at 03:00 P.M.

1	TA11/99 In WP3251/93 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana through its Joint Secretary, M.S. Sonwane) <u>Adv.VivekBhavthankar for</u> <u>R.Nos.2&3</u>	Termination	05.04.2023
2	TA19/99 In WP2311/94 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana)	Termination	
3	TA26/99 In WP2772/93 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana, P'Bhani&Ors)	Termination	
4	TA47/99 In WP776/95 With	P'bhani	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana)	Termination Termination Termination	
5	TA7/99 In WP3765/97 with	P'bhnai	Adv.S.R. Barlinge (Vyankati S Agase&Ors)		
6	TA6/06 With WP4261/95 with	Jalna	Adv.Party In Person (GoverdhanGanoji)		
7	TA36/02 In WP3007/91 With	A'nagar	Adv.S.K. Shelke/ Adv.S.U. Jadhav (AhmenagarZilla wan Kamgar Union through its Vice President, GulabraoDeshmukh)	Termination	
8	MA311/08 In TA42/99 In WP1274/91 With	P'bhnai	Adv.SubhashMundhe (Ram U Dumane)	M.A. For Vacate I.R.	
9	TA17/99 In WP2791/94 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana)	Termination	

10	TA35/98 In WP296/98 With	Jalna	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana, A'bad)	Termination
11	MA309/08 In TA24/99 In WP3607/93 With	P'bhnai	Adv.B.B. Yenge (The Dy.Director of Social Forestry P'bhnai)	M.A. For Vacate I.R.
12	MA306/08 In TA36/99 In WP652/94 With	P'bhnai	Adv.B.B. Yenge (The Dy.Director of Social Forestry Division Officer, P'bhnai)	M.A. For Vacate I.R.
13	TA28/99 In WP1253/91 With	P'bhnai	Adv.S.R. Barlinge (Dasa N Shere&Ors.)	Termination
14	TA30/99 In WP617/94 With	P'bhnai	Adv.S.K. Shelke (Parubai G Varad&Ors.)	Termination
15	TA33/99 In WP3776/97 with	Dhule	Adv.S.K. Shelke (DhuleZila Van KamgarShramikSangh.)	Termination
16	TA34/99 In WP3620/97 With	A'bad	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana)	Termination
17	TA37/99 In WP1382/94 With	P'bhnai	Adv.S.R. Barlinge (Keshv H Kamble&Ors.)	Termination
18	TA14/99 In WP3770/97 With	A'bad	Adv.S.R. Barlinge (Harman V Surwase&Ors.)	Termination
19	TA16/99 In WP1226/91 With	Jalna	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana through its General Secretary, B.V. Bansod)	Termination

20	TA13/99 In WP777/95 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana)	Termination	
21	TA20/99 In WP882/91 With	A'bad	Adv.S.K. Shelke (MarathwadaSarvaShramikSa nghtana, A'bad)	Termination	
22	TA38/99 In WP329/92	A'nagar	Adv.S.K. Shelke (AhmednagraZilla Van Kamgar Union A'nagar)	Termination	
23	OA355/16	Nanded	Adv.V.D. Gunale (ShaikhJamil Fakir Saheb) <u>Adv.N.S. Kadam for R.No.3</u> <u>& 4</u>	Termination	05.04.2023

Assistant
Registrar
M. A. T.

Bench at A' bad

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)

And

THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)

Date: -24/03/2023

for reply board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Next date
1	CP28/22 In OA583/19	J'gaon	Adv.Preeti R Wankhade (Bhaskar D Baviskar)	Contempt Petition	07.06.2023
2	OA707/19	A'bad	Adv.S.K. Mathpati (Rama M Shinde) <u>Adv.G.N. Patil for R.No.6</u> <u>Adv.S.B.Mene R.Nos.5&6</u>	Challenging G.R./ Advance Increment	05.06.2023
3	OA145/21	J'gaon	Adv.A.S. Bayas <u>Adv.A.S. Bayas has Filed</u> <u>Leave Note From</u> <u>23.03.2023 to 24.03.2023</u> (Jagdish N Saindane)	Promotion	06.06.2023
4	OA84/22	A'nagar	Adv.A.P. Avhad (Bapu V Vetal)	Appointment	12.06.2023
5	OA261/22	A'bad	Adv.V.R. Jain (Dadarao U Phule)	Appointment	12.06.2023
6	OA515/22	Jalna	Adv.J.S. Deshmukh (Sachin V Hingole&Ors.)	Examination	13.06.2023
7	OA594/22	J'gaon	Adv.K.B. Jadahv (Bharat C Padvi)	Departmental Enquiry	26.04.2023

8	OA623/22	A'bad	Adv.S.S. Ware (Dr.Deepak B Kharat)	Promotion	13.06.2023
9	OA628/22	O'bad	Adv.A.G. Ambetkar (Sunil C Ahire) <u>Adv.PradeepTapsePatil</u> <u>for R.No.5</u>	Interview	13.06.2023
10	OA802/22	A'nagar	Adv.S.V. Natu/ Adv.R.A. Joshi (Dnyaneshwar S Andhale)	Challenging Recruitment Rules	14.06.2023
11	OA854/22	Dhule	Adv.V.B. Wagh (Vaishali R Andhale&Ors.)	Correction in Seniority List/ Promotion	24.04.2023
12	OA855/22	A'bad	Adv.P.R. Bharaswadkar (Pravin R Khedkar)	Promotion	14.06.2023
13	OA867/22	A'bad	Adv.C.V. Dharurkar (ShaikhSuraiyyaKamruddi n) <u>Adv.V.S.Kadam For</u> <u>R.Nos.2 & 3</u>	Select List/ Selection/ Appointment	15.06.2023
14	OA924/22	P'bhani	Adv.G.K. Kshirsagar (Vikas V Tayade)	Examination	15.06.2023
15	OA947/22	Dhule	Adv.MuhammadAseem Adv.SayedTauseefYaseen (Nikita M Rajput)	Challenging G.R	25.04.2023
16	OA950/22	A'nagar	Adv.MuhammadAseem Adv.SayedTauseefYaseen (Chaitali J Katariya&Ors)	Challenging G.R	25.04.2023
17	OA1053/22	Dhule	Adv.R.L. Jakhade/ Adv.S.A. Kulkarni (Vilas R Malche)	Dismissal Period	24.04.2023

18	OA1102/22	J'gaon	Adv.R.P. Bhumkar (MeheubNoorMahammad Rangarej) <u>Adv.Amol B Chalak For R.No.6</u>	Appointment	13.06.2023
19	OA1163/22	Latur	Adv.Ajay S Deshpande (Dr. SalimGulabShaikh&Ors.)	Final Seniority List/ Promotion	13.06.2023
20	OA183/23	A'nagar	Adv.S.S. Jadhavar (Sahebrao S Wayal)	Advertisement	21.04.2023
21	OA222/23	Nanded/ A'bad	Adv.Ajay S Deshpande (Vijay U Awadhane&Ors.)	Seniority List	28.03.2023
22	MA83/23 In OAS2011/22	A'bad	Adv.V.C. Suradkar/ Adv.A.B. Rajkar (Amol S Tupe)	M.A. For Condonation of Delay	07.06.2023

Assistant
Registrar
M. A. T.
Bench at A'
bad