

ORIGINAL APPLICATION NO. 260/2022
(Ravindra Vinayak Tarkas Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Heard Shri MR Kulkarni, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities.

2. Grievance of the applicant in the present matter is that the respondents have illegally withheld the amount of gratuity, as well as, leave encashment payable to the applicant. The learned counsel for the applicant submitted that insofar as the departmental enquiry is concerned the same has been completed and the report has been submitted by the Enquiry Officer in the year 2020 itself, wherein no such findings has been recorded by the Enquiry Officer that the charges leveled against the applicant are proved meaning thereby that the applicant has been exonerated from the charges in the DE. The learned counsel further submitted that the criminal case filed against the applicant for the offences punishable U/s 7 & 13 of the Prevention of Corruption Act is however pending in the Criminal Court. According to the learned counsel, both the amounts are liable to be paid to the applicant by obtaining undertaking from him.

It is submitted by the learned counsel that this Tribunal in some matters even during pendency of the criminal case against the applicants therein has passed the order for releasing the amounts of gratuity, as well as, leave encashment. Some such orders are placed on record by the applicant and in the circumstances prayer has been made for allowing the present application.

3. The learned Presenting Officer has opposed the application. The learned PO submitted that insofar as the amount of leave encashment is concerned, it will be open for the appointing authority to release the said amount, if it is of the opinion that said amount has nothing to do with the official duties discharged by the applicant entailing to any loss caused to the department. However, the criminal prosecution is concerned, according to learned PO, having regard to the provisions of rule 130(C) of M.C.S. (Pension) Rules, 1982 the said amount cannot be released in favour of the applicant unless the criminal case pending against the applicant is decided.

4. I have considered the submissions advanced on behalf of the applicant, as well as, the respondents. I have also gone through the provisions relied upon by the learned counsel for the applicant.

5. The provisions under rules 27 and 130 of MCS (Pension) Rules, 1982 are referred by the learned counsel for the applicant, as well as, by the learned PO. On perusal of the Enquiry Report the applicant cannot be said to have been fully exonerated from the charges in the DE, but it also cannot be said that the Enquiry Officer has held the applicant guilty for any particular charge leveled against him. However it is undisputed that the criminal case filed against the applicant for the offences punishable U/ss 7 & 13 of the Prevention of Corruption Act is still pending. The applicant was trapped while accepting bribe as alleged therein. The charge sheet was filed when the applicant was in service of the respondents. In the circumstances, the request for release of gratuity amount cannot be considered. Though, the reliance has been placed by the learned counsel on the judgment of Hon'ble Supreme Court in the case of **State of Jharkhand and Ors. Vs. Jitendra Kumar Srivastava and anr., Civil Appeal No. 6778/2013 (arising out of SLP (Civil) No. 1427/2009)**. The ratio laid down in the aforesaid judgment may not apply to the facts in the present matter.

6. The applicant has relied on the judgment of this Tribunal in the case of **Dilip s/o Parbat Patil Vs. the**

State of Maharashtra & Ors., O.A. No. 346/2021 delivered on 17.7.2022. After considering the facts involved in the present matter it appears to me that cited judgment may not be of any help to the applicant. In the said matter, the Tribunal has recorded a finding that going to the place of election in a private Alto Car which met with an accident, cannot be by any stretch of imagination can be said to be connected with discharging of the official duty of the applicant. The applicant in the said case was prosecuted for the offences U/ss 279, 337, 304(A) of IPC. In the present matter, the applicant is facing prosecution for the offence under Prevention of Corruption Act. The accusations against the present applicant of demanding and accepting bribe are directly connected with his official duties. As such, the view taken by the Tribunal in O.A. No. 346/2021 cannot be taken in the present matter.

7. In view of the fact that Criminal Case is pending against the applicant, bar under Rule 130(C) of M.C.S. (Pension) Rules, 1982 would definitely operate. The request of the applicant for directing release of the Gratuity amount, therefore, cannot be accepted. Hence the order :-

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O.A. NO. 260/2022

ORDER

- (i) The respondents are directed to release the amount of leave encashment by obtaining necessary undertaking from the applicant within 12 weeks from the date of this order.
- (ii) The request of the applicant to release the amount of gratuity stands rejected.
- (iii) The present Original Application stands partly allowed in the above terms. No order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**Ma 250/2021 IN OA ST. 999/2021
(Pramod Narkhede Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri JB Choudhary, learned counsel for the applicant (**leave note**). Shri BS Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 3.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.11.2022

**MA 251/2021 IN OA ST. 1001/2021
(Manohar Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri JB Choudhary, learned counsel for the applicant (**leave note**). Shri BS Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 3.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDERS 24.11.2022

O.A. NO. 1001/2022
(Dr. Kanchan Wanere Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri VB Wagh, learned counsel for the applicant, Shri IS Thorat, learned Presenting Officer for the respondent authorities and Shri AS Deshmukh, learned counsel for respondent no. 4, are present.

2. The learned PO has tendered across the bar some of the noting and submissions made pertaining to subject matter. The same are taken on record and copies thereof are supplied to other side. The learned counsel for the applicant submits that in regard to the documents, which are filed today he need some time to take instructions in that regard from his client. Time granted.

3. S.O. to 28.11.2022.

4. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 259/2022
(Rahul Kumar Wagh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri MR Kulkarni, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 2.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 542/2021
(Dr. Sunil Palhal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri SD Joshi, learned counsel for the applicant
Smt. Sanjivani Deshmukh Ghate, learned Presenting
Officer for the respondent authorities and Shri Pawan
Ippar, learned counsel for respondent no. 5, are present.

2. S.O. to 28.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 298/2022
(Baban Tadvi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Swaraj Tandale, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present. Shri NR Dayama, learned counsel for respondent no. 3 (**absent**).

2. S.O. to 29.11.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 06/2022
(Ramesh Shahane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant and Shri KP Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 762/2022
(Pralhad Khade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri SD Joshi, learned counsel for the applicant, Shri VR Bhumkar, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for respondent no. 4, are present.

2. The learned PO has submitted that the respondent no. 3 is adopting the reply already filed on behalf of respondent nos. 1 & 2 and has tendered a written pursis in that record. The same is taken on record.

3. The learned counsel for respondent no. 4 has sought time to file the affidavit in reply. The request so made by learned counsel for respondent no. 4 is opposed by the learned counsel for the applicant. In the alternative it is submitted that if the adjournment is granted, the same may not be beyond one week.

4. In the circumstances, time is granted till 2.12.2022 for filing the affidavit in reply on behalf of respondent no.4.

5. S.O. to 2.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 518/2022
(Ganesh Mundhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri HM Shaikh, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO submits that the respondent no. 3 is not intended to file any separate reply and he is adopting the affidavit in reply filed on behalf of respondent nos. 1, 2 & 4. Since the pleadings are complete, list the matter for hearing on 18.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 704/2019
(Vishwanath Yeslote Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri KM Nagarkar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 29.11.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 54/2019
(Varsha Pawara Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri PB Patil, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present. Shri VC Patil – Ashtekar, learned counsel for respondent no. 3 (**absent**).

2. S.O. to 20.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 427/2019
(Ranjeet Savale (Dhangar) Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri SD Dhongde, learned counsel for the applicant (**leave note**). Shri BS Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 5.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**OA NOS. 175 AND 689 BOTH OF 2021
(Ajay More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri KG Salunke, learned counsel for the applicant in both the matters and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities in both the matters, are present.

2. S.O. to 12.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 522/2021
(Ravindra Raut Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri OD Mane, learned counsel for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 2.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 532/2007
(Amir Khan Ibrahim Khan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Asif Ali, learned counsel holding for Smt. AN Ansari, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 200/2018
(Dinkar Shahane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri SD Joshi, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 2.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 711/2018
(Sanjay Nade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 557/2019
(Venkat Namule & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicants and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 7.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 437/2020
(Arjun Kharat Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 496/2020
(Mohd Akif Abrar Mohd Abdul Rauf Vs. State of
Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri AS Deshmukh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 512/2020
(Shubash Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri SC Bhosale, learned counsel for the applicant (**absent**). Shri MP Gude, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 3.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 522/2020
(Prakash Bharambe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri JB Choudhary, learned counsel for the applicant (**leave note**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 4.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

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

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri VB Wagh, learned counsel for the applicant and
Shri IS Thorat, learned Presenting Officer for the
respondent authorities, are present.

2. S.O. to 10.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 68/2021
(Sarjerao Jagdhane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri VC Suradkar, learned counsel for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 19.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 129/2021
(Dr. Sheshrao Lohgave Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri JS Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 166/2021
(Suryakant Tatode Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri SA Wakure, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 229/2021
(Balbir Singh Jagannath Prasad Tyagi Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri KG Salunke, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 351/2021
(Kautik Kachole Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 359/2021
(Hajrabee @ Nubee Shaikh Nijam Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri RV Gore, learned counsel for the applicant, Shri DR Patil, learned Presenting Officer for the respondent authorities, Shri DT Devane, learned counsel for respondent nos. 2 to 4 and Shri Abed M. Pathan, learned counsel for respondent no. 7, are present.

2. S.O. to 5.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 371/2021
(Amresh Bombalge Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri AD Aghav, learned counsel for the applicant, Smt. MS Patni, learned Presenting Officer for the respondent authorities and Shri GM Shingare, learned counsel for respondent nos. 2 to 4, are present.

2. S.O. to 25.11.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 425/2021
(Kirtimal Sonwale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri AB Rajkar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 20.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO. 512/2021
(Usha Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Shri AD Gadekar, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 615/2021
(Dr. Godavari Vaidya Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

O.A. NOS. 70, 71 and 72 ALL OF 2022
(Ramkisan Mante & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri VB Wagh, learned counsel for the applicants in all these matters and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 9.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 402/2022
(Maroti Panchal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri KG Salunke, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

MA NO. 194/2020 IN O.A. 174/2020
(Ravindra Bidekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri AA Khande, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 5.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO.479/2021
(Lotan D. Vishi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24-11-2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant, Smt. Deepali Deshpande, learned Presenting Officer for the respondent State authorities and Shri Yogesh M. Patil, learned Counsel for respondent no.2.

2. Grievance of the applicant is that, the amount of Rs.2,88,400/- (Rs. two lakh eighty eight thousand four hundred only) has been recovered from him vide the impugned office order dated 15-02-2020, when hardly few months were left for his retirement. Applicant has retired from service on attaining age of superannuation on 31-05-2020. It is also the contention of the applicant that before ordering such recovery from the applicant, he was neither served with any show cause notice nor any opportunity of hearing was given to him.

3. Learned Counsel submitted that the applicant falls in the category of Group-C employees since he has retired from the post of Civil Engineering Assistant (CEA). It is further contended by the learned Counsel that the amount which has been recovered from the applicant is for the alleged excess payment made to the applicant during the period between 01-01-2006 to 31-12-2019. According to the learned Counsel recovery of the amount allegedly paid in excess to the applicant during the period preceding 5 years of his retirement is impermissible. On all these counts, the applicant has sought cancellation of the said order and the further direction for refund of the said amount.

4. Present O.A. is opposed by the respondents. In the affidavit in reply filed on behalf of respondent no.2, it has been contended that recovery of the alleged amount is made for genuine reasons. It is further contended that the applicant did not qualify the computer examination within the given period, and as such, he was not entitled to additional increments which were granted in his favour at the relevant time.

5. Learned Counsel for respondent no.2 further submitted that it was well within the knowledge of the applicant that he was not entitled for such additional increments, inspite of that, he did not disclose the said fact and accepted the said additional increments. According to the learned Counsel, in the circumstances, it has to be held that in making such excess payment to the applicant, some role has been played by the applicant also. In the circumstances, according to the learned Counsel, the judgment relied upon by the applicant in the case of ***State of Punjab and Others Vs. Rafiq Masih (White Washer), (2015) 4 SCC 334***, may not be applicable.

6. Learned P.O. has adopted the arguments advanced on behalf of respondent no.2.

7. I have considered the submissions made on behalf of the parties. I have gone through the pleadings of the parties as well as the documents filed on record. Following facts are not disputed by the parties:

[i] That the order of recovery has been made for the first time in February, 2020 when the applicant was due for retirement on 31st May, 2020 after attaining the age of superannuation.

[ii] That no show cause notice was issued to the applicant before ordering the said recovery.

[iii] That the applicant was serving as Group-C employee.

[iv] That the excess payment is alleged to have been made for the period spread over from 2006 to 2019.

[v] That the alleged amount has been already recovered from the applicant.

8. In light of the facts as aforesaid the submissions advanced by the parties are to be considered. It is the assertion of the learned Counsel for the applicant that in view of the law laid down by the Hon'ble Supreme Court in the case of ***State of Punjab and Others Vs. Rafiq Masih (White Washer)***, (2015) 4 SCC 334, the impugned

order for recovery of the amount of Rs.2,88,400/- is wholly unsustainable and deserves to be set aside. The Hon'ble Apex Court in paragraph 12 of the judgment passed in the case of **Rafiq Masih**, cited supra, has laid down the following guidelines, which have to be considered for deciding the present matter which are as follows:

“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law.

(i) Recovery from employees belong to Class-III and Class-IV services (or Group 'C' and Group 'D' services).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

9. As has been provided in the aforesaid guidelines, no recovery can be made from the employees falling in the category of Group-C or Group-D. Second clause of the said guidelines provides that recovery is not permissible from retired employees, or employees who are due to retire within one year of the order. Third clause of the said guidelines says that recovery is not permissible when the alleged excess payment has been made for a period in excess of five years, preceding the order of recovery.

10. I have already mentioned the admitted facts. Considering the same, firstly that the applicant is a Group-C employee, secondly that recovery is directed when less than one year has remained for

his retirement, thirdly, recovery is made of the amount paid in the period in excess of five years, before the order of recovery is issued.

11. It is sought to be argued by learned Counsel for respondent no.2 that the applicant must be held to have played some role in receiving the amount for which he was not entitled. In that regard, it has to be stated that had the respondents given a notice to the applicant before directing such recovery, perhaps, the applicant may not have an opportunity to either deny the said contention or explain his position. In absence of any such opportunity to the applicant, it is difficult to attribute blame on the applicant merely on surmises and the conclusion may not be recorded against the applicant. Moreover, the fact remains that, responsibility was on the higher officers or officers concerned with supervisory duties to ensure that no excess payment is made. All these circumstances are considered by the Hon'ble Supreme Court in the case of **Rafiq Masih**, cited supra. For holding the applicant guilty of playing any fraud or having involvement in getting some excess payment there must be more concrete

evidence otherwise it is difficult to attribute any blame on the part of the applicant.

12. Another argument has been advanced by the learned Counsel for respondent no.2 that the applicant has given undertakings on 25-05-2009, 20-02-2019, 16-02-2021, 02-12-2021 (Annexure R-2, page 28 to 31) to pay back if excess payment is made to him. Learned Counsel has argued that once the applicant has given an undertaking to refund the said amount, now he cannot retract from the said undertaking and claim back the said amount. Learned Counsel for respondent no.2 in the circumstances has prayed for rejecting the O.A.

13. The contention as has been raised on behalf of the respondents has to be rejected at the threshold. I have perused the undertaking which has been much depended upon by the respondents. Even if it is accepted that such undertaking is given by the applicant that may not be of any help or use for the respondents to oppose the request made by the applicant for the reason that the said undertaking has been obtained recently after the

retirement of the applicant and importantly after the entire amount was recovered from the applicant. Respondents may not dispute that according to their own contention such excess payment has been made to the applicant during the period between 01-01-2006 to 31-12-2019. In the circumstances, undertaking obtained subsequently at the fag end of the services of the applicant realizing that there is possibility of excess payment made to the applicant may not be of any help to the respondents.

14. This Tribunal has taken a view in several matters decided earlier that wherein recoveries are held illegal, refund has to be directed of the said amount. I do not see any reason to take any contrary view.

15. For the reasons stated above, the recovery of the amount of Rs.2,88,400/- made by respondent no. has to be held impermissible and illegal. The applicant is, therefore, entitled for getting refund of the said amount. In the result, the following order:

=10= O.A.NO.479/2021

ORDER

- (i) Impugned order dated 15-02-2020 issued by respondent no.2 is quashed and set aside.
- (ii) Respondent no.2 is directed to refund the amount of Rs.2,88,400/-, recovered from the applicant within 12 (twelve) weeks from the date of this order.
- (iii) O.A. is allowed accordingly without any order as to costs.

VICE CHAIRMAN

YUK ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO.596/2020
(Dnyaneshwar Pandit Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. After having heard the learned Counsel appearing for the applicant and the learned P.O., it is apparently revealed that no relief as has been claimed by the present applicant can be granted in his favour. However, one issue which has been raised by the learned Counsel during the course of his arguments that one of the wards of the retired differently abled Government employees should be given employment on the line of the scheme of compassionate appointment needs to be addressed for the reason that very purpose behind filing the O.A. is that the said issue must be considered at Government level.

3. It is the contention of the learned Counsel that there are certain provisions made for welfare of differently abled persons but there is no provision for survival of the family of such persons after their

retirement by providing employment to any of their wards. Learned Counsel submitted that in the present matter, it was the expectation of the applicant that instead of rejecting his request respondent no.3 should have forwarded the said representation to the State Government, which is the competent authority to consider the request made therein.

4. I am not convinced with the aforesaid argument. It was not necessary for the Dean, Government Medical College and Hospital, Aurangabad to refer the application of the applicant to the State Government. There is no substance in the present application and as such the application is rejected.

5. It would be, however, open for the applicant or his father to make an exhaustive representation containing their suggestions therein to the State Government.

6. O.A. stands disposed of in the aforesaid terms without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1039/2022
(Waman Ambad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Heard Shri Vilas P. Savant, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 18-01-2023.

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 18-01-2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1040/2022
(Govind Y. Solunke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Heard Shri Vilas P. Savant, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 18-01-2023.

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 18-01-2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1046/2022
(Sangram G. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Heard Shri P.A.Kulkarni, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 18-01-2023.

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 18-01-2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1048/2022
(Ajaykumar B. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Heard Ku. Anagha Pandit, learned Counsel holding for Shri S.B.Talekar, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 19-01-2023.

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 19-01-2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO.178/2020
(Prashant E. Supekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Shri Mahesh K. Bhosale, learned Counsel for the applicant is **absent**. Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities is present.

2. Since none appears for the applicant, S.O. to 12-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO.44/2021
(Sugam Rathod & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Heard Shri V.G.Pingle, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities.

2. After hearing the learned Counsel for the applicant, O.A. is admitted. Respondents shall file the reply on or before the due date.

3. S.O. to 09-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 24.11.2022

**ORIGINAL APPLICATION NO.348/2021
(Balaji Ghulekar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 24-11-2022

ORAL ORDER :

Shri M.V.Thorat, learned Counsel for the applicant is **absent**.

Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities is present.

2. In view of absence of learned Counsel for the applicant, S.O. to 16-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO.1051/2022
(Dr. Nilima Prakashrao Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 24-11-2022

ORAL ORDER :

Heard Shri D.T.Devane, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Counsel has insisted for grant of interim relief. After having heard the learned Counsel for the applicant and the learned P.O. for the respondents, it appears to me that even for consideration of the request for interim relief, the Say/Reply of the respondents will be required. Hence, the following order:

ORDER

(i) Issue notice to the respondents, returnable on 07-12-2022.

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

(iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

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O.A.NO.1051/2022

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.

(iv) 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.

(v) 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.

(vi) Respondents shall file reply to the request for interim relief on or before 07-12-2022.

(vii) S.O. to 07-12-2022.

(viii) Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

YUK ORAL ORDER 24.11.2022

ORIGINAL APPLICATION NO. 1006 OF 2022
(Pravin Bhaskar Pote Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORDER

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

2. The background facts are admittedly that the Maharashtra Public Service Commission (in short, 'MPSC') had issued advertisement No. 45/2022 on 11.05.2022 thereby invited applications from eligible candidates for filling up 161 posts of Gazetted Group-A and Group- B posts under various Departments of the State of Maharashtra. By issuing corrigendum dated 31.10.2022, the number of posts were increased to 623. The present applicant was also a candidate in this examination from NT-D (General) category.

3. It is also an admitted fact that MPSC conducted the State Service (Preliminary) Examination, 2022 on 21.08.2022. Result for the said examination was declared on 04.11.2022. MPSC has declared category wise cut-off marks for the said examination for short-

listing candidates eligible to appear in the Main Examination.

4. It is also admitted that the MPSC had published first answer key for the questions for the preliminary examination as prepared by a committee of experts on 25.08.2022 inviting objections to the same, if any, up to 30.08.2022 till 23.59 hours. The objections received within prescribed time limit were got vetted by second committee of experts and revised answer key was published on 02.11.2022.

5. The Applicant has claimed that the original answer to question No. 93 of the Set-D was correct and revised answer thereto is wrong. The applicant asserts that he could secure only 105.5 marks as per revised answer key and could have secured more than cut-off marks as per original answer key. As the cut-off marks for NT-D (General) & Open (General) category of candidates has been declared to be 106.5, the applicant claims that he is suffering a huge loss by MPSC going by revised answer key. In this regard, the applicant also stated that the question No. 50 of Set-D in this examination was the question No. 105 of Set-A in previous year 'State Services (Main) Examination-2021'. At that time, correct answer of the said question was given as option No. 3 being

“Friedrich Ratzell”, who was stated to be the father of Human Geography. However, the answer in options to very same question to question No. 50 in Set-D of the State Service (Preliminary) Examination-2022 the said options “Friedrich Ratzel” is not one of the options and as per answer key, option No. 3 i.e. Vidal-de-la-Blache is stated to be the correct answer, which was not mentioned as one of the options in the previous year. In view of the same, the applicant opted for not to answer the said question No. 50 and thereby loss has been caused to the applicant not securing the requisite marks for the said question, which the applicant could have answered correctly, if the correct options were placed on record. In the circumstances, in second answer key the said question No. 50 of Set-D ought to have been canceled. Not being done so, the applicant is adversely affected. If these circumstances are taken into consideration, the applicant would have secured 108 marks, which would have been well above the cut-off of marks of 106.5 for NT-D (General), as well as, Open (General) category. In these circumstances, the applicant has filed this O.A. No. 1006/22 seeking following reliefs:-

“A) This Original Application may kindly be allowed thereby holding & declaring that the impugned action of Respondent No. 2 of assessing the Question paper of the ‘State Services Pre

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O.A. No. 1006/2022

Examination-2022' without cancelling Q. No. 50 in Set-D and further assessing the answer to Q. No. 93 in Set-D on the basis of a wrong & incorrect answer was unsustainable & untenable in law.

B) This Original Application may kindly be allowed thereby directing the Resp. No. 2 to reassess performance of the candidates who had appeared in the 'State Service Pre-Examination-2022' and re-adjust the cut-off level of marks not only by cancelling Q. No. 50 in Set-D, but also by assessing the answer to Q. No. 93 in Set-D on the basis of the answer given in option (1) thereto.

C) This Original Application may kindly be allowed thereby further directing the Resp. No. 2 to take all the consequential steps as would be required in view of grant to Prayer Clauses "A" and "B" mentioned hereinabove including the action of holding the applicant to be eligible to appear in the 'State Service Main Examination-2022'.

D) Costs of this Original Application may kindly be awarded to the applicant.

E) Any other appropriate relief as may be deemed fit by this Hon'ble Tribunal may kindly be granted.

INTERIM RELIEF

F) Pending the admission, hearing and final disposal of this Original Application the respondent no. 2 may kindly be directed to permit the application to participate in the 'State Service Main Examination 2022' to be held between 21st to 23rd January 2023 subject to the final outcome of this Original Application."

6. The present O.A. was heard on 22.11.2022. The learned CPO had submitted a copy of written communication dated 22.11.2022 written on behalf of MPSC and signed by Under Secretary to MPSC; which was addressed to the learned CPO by which MPSC had communicated rationale / basis of action taken by it; Copy of which was provided to the other side too. In the said communication the factual position as regards question Nos. 50 and 93 of Set-D in respect of O.A. No. 1006/2022 is placed on record. As per the said factual position, in first answer key, the option Nos. 3 and 1 respectively were given as correct answers to said question Nos. 50 and 93 respectively. After considering objections thereof which were called online by 30.08.2022, the expert committee was appointed. As per the said second expert committee opinion, the answer to question No. 50 was retained as option No. 3 and answer to question No. 93 was changed from option No. 1 to option No. 2. The question No. 93 of Set-D was question No. 3 in Set-C. The said question No. 3 of Set-C is subject matter of this O.A. No. 1023/2022. In view of that the learned C.P.O. was allowed to adopt this copy of communication dated 22.11.2022 which was produced in O.A. No. 1006/2022 also in this O.A. No. 1023/2022. In view of this contentions raised in this communication dated 22.11.2022 sent by MPSC, learned C.P.O.

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O.A. No. 1006/2022

strenuously urged before us that the similarly situated matters were dealt with by the Hon'ble Bombay High Court. He placed on record the following three citations of the Hon'ble Bombay High Court, which are as follows:-

- a) W.P. No. 7883 of 2012 in the matter of The State Public Service Commission Vs. Tejrao Bhagaji Gadekar & Anr., dated 03.12.2012.
- b) Group of W.P. Nos. 8575 of 2022 & Ors. in the matter of Somnath Jotiram Chavan & Ors. Vs. The State of Maharashtra and Ors. dated 06.09.2022.
- c) W.P. No. 9021 of 2022 in the matter of Shrikrishna Nandevrao Wankhede Vs State of Maharashtra & Anr., dated 27.07.2022

In all these above-said citations, the similar facts about change in answer key of certain questions were involved. The MPSC in these matters addressed the issue with the help of expert committee for settling the objections after exhibition of first answer key. In such circumstances, it is held that the MPSC has taken due care of settling the objections by taking the help of the expert committee. In view of that, it would not be proper to interfere into the expert's opinion about answers to the questions. More particularly in W.P. No. 8575/2022 & Ors. in the order dated 06.09.2022 (cited supra), it is observed in para Nos. 17, 18, 19 & 20 as follows :-

“17. The MAT considered the factual background and as the rival submissions, including a great deal of learning that was cited before it. In paragraph 19, MAT noted that the MPSC had deleted the question 27 and this could not be faulted. The observation of the MAT in paragraph 22 are indeed interesting. (Pages 80, 81 of the Writ Petition No. 8575 of 2022). The MAT said this:

“22. It is to be noted that unequal treatment given to the candidates appearing for the examination and unequal treatment given to the Questions are two different things. The M.P.S.C. has corrected the answer key of Question No. 87 after considering experts opinion that the correct answer was available. This decision was taken by the M.P.S.C. because there was no dispute in the opinion expressed in respect of Question No. 87. However, in respect of Question No. 27 the opinion given by the experts were conflicting. Therefore, the treatment given to Question No. 87 and Question No. 27 and their Answer Keys is different. But this will not in any case lead to discrimination or violation of Article 14 or Article 16 of the Constitution so far as Applicants are concerned. The Applicants cannot claim legal right against the decision of the M.P.S.C. because the decision taken is applicable uniformly to all the candidates who appeared for the examination. We understand the plight of the Applicants that they have lost the marks, however, in examinations chance is often a determinant.”

(Emphasis added)

18. We believe this approach is completely correct. What is being canvassed before us is precisely the opposite: viz., that the Petitioners should be given preferential treatment and the uniform applicability of the MPSC deletion decision should not made applicable

to the Petitioners. That is a submission that only needs to be stated to be rejected.

19. Finally, the MAT considered the question of the power of the MPSC and again held on the basis of cogent material that the MPSC had the power to take an appropriate decision.

20. It is impossible to render a decision in favour of these Petitioners, whether interim or final, without adversely affecting the very many of candidates who have been able to meet the qualifying criteria and are eligible to sit for the main examination on 11th September 2022. There is no principle under which an exception can be carved out for these Petitioners. Even basic notions of equity and justice would not permit such a preferential treatment.”

7. While responding, learned Advocate for the Applicant has submitted that the case laws may be referred to at the time of deciding the present O.A. on merit. At present interim relief may be granted in the interest of justice, as the last date for filing online application for the main examination is 28.11.2022. Learned CPO opposed for grant of interim relief stating that in view of case laws cited, it is amply clear that this Tribunal is not expected to step into shoes of MPSC for evaluation of answer sheets for the preliminary examination.

8. After having considered the facts and submissions on record, it is evident that the applicant said to have been affected because of corrected answer key in respect of question No. 93 of Set -D and failure to delete the

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O.A. No. 1006/2022

question No. 50 in Set-D in the present Original Application. Admittedly the second answer key is published after having considered the objections raised in respect of first answer key by 30.08.2022 through second expert committee. It is pertinent to note here that there is no mention in this Original Application that the applicant raised objection which is raised in this O.A. as regards question No. 50 of Set-D before the MPSC and which said to have caused loss to him. Learned Advocate for the applicant, however, submitted that some other candidates raised such objection, but the applicant is not having any proof regarding that. In such circumstances, it would be exercise in futility to go into the aspect of question No. 50 of Set-D, which cannot be said to be the matter of dispute being raised by the applicant himself. In the facts and circumstances, the MPSC has done exercise of getting correct answer key through another committee of expert. No doubt, the MPSC in its communication addressed to learned C.P.O. has stated that whatever is done is done by the expert committee and not by the MPSC. But that has to be appreciated in proper perspective. The wording in the said communication will not change the facts on record. Accordingly, we have to appreciate the facts of the present case in the background of the ratio laid down in the citations relied upon by the learned C.P.O., which we have already reproduced.

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O.A. No. 1006/2022

9. On perusal of citations made by the learned CPO, and upon considering submissions made by the learned Advocate for the Applicant, in our considered opinion, this Tribunal is not expected to interfere with the process of evaluation of answer sheets after MPSC has decided all the objections received within prescribed time with the help of second committee of experts.

10. In view of above, in our considered opinion the case laws cited by the learned CPO are aptly applicable in the present matter. In view of the ratio laid down in the above-said citations, no prima-facie case is made out by the applicant for seeking relief of allowing him to appear for main examination, which is scheduled on 28.11.2022. Not only this but as per the ratio laid in the above-said citations, it has amply clear that it would not be permissible for the Tribunal to go into the area of evaluation of answer sheets for the preliminary examination by entering into shoes of MPSC. In view of this, in our considered opinion, there is no merit in O.A. itself and therefore, it is liable to be dismissed summarily. We, therefore, proceed to pass following order:-

ORDER

A] Original Application No. 1006 of 2022 is dismissed.

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O.A. No. 1006/2022

- B] The interim relief as prayed for by the applicant in terms of prayer clause 12 (F) is hereby rejected.
- C] No order as to costs.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO. 1023 OF 2022
(Suraj R. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORDER

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

2. The background facts are admittedly that the Maharashtra Public Service Commission (in short, 'MPSC') had issued advertisement No. 45/2022 on 11.05.2022 thereby invited applications from eligible candidates for filling up 161 posts of Gazetted Group-A and Group- B posts under various Departments of the State of Maharashtra. By issuing corrigendum dated 31.10.2022, the number of posts were increased to 623. The present applicant was also a candidate in this examination from DT-A category.

3. It is also an admitted fact that MPSC conducted the State Service (Preliminary) Examination, 2022 on 21.08.2022. Result for the said examination was declared on 04.11.2022. MPSC has declared category wise cut-off marks for the said examination for short-

listing candidates eligible to appear in the Main Examination.

4. It is also admitted that the MPSC had published first answer key for the questions for the preliminary examination as prepared by a committee of experts on 25.08.2022 inviting objections to the same, if any, up to 30.08.2022 till 23.59 hours. The objections received within prescribed time limit were got vetted by second committee of experts and revised answer key was published on 02.11.2022.

5. The Applicant has claimed that the original answer to question No. 3 of the Set-C was correct and revised answer thereto is wrong. The applicant asserts that he could secure only 104.5 marks as per revised answer key and could have secured more than cut-off marks as per original answer key. As the cut-off marks for DT-A category of candidates has been declared to be 106.5, the applicant claims that he is suffering a huge loss by MPSC going by revised answer key. The applicant has further submitted that he had made a representation to the Chairman, MPSC on 07.11.2022. As there was no response from the MPSC and the last date for submitting online application for the main examination is scheduled

to be 28.11.2022, the applicant has filed this O.A. No. 1023 of 2022 on 18.11.2022 seeking following reliefs:-

“a) The original application may kindly be allowed.

b) Hold and declare that action of MPSC of assessing answer of question no. 3 in SET-C of question paper of State Service (preliminary) Exam-22, on the basis of wrong and incorrect answer was unsustainable and illegal.

c) Respondent no. 2 i.e. MPSC may kindly be directed to take corrective steps to given marks for question no. 3 in SET-C as option -1 as right answer and accordingly re-adjust cut off level and allow eligible candidates for main examination.

d). Hold and declare that the applicant is eligible to appear for State Service Main Examination-22 on the basis of corrective steps of granting marks for question no. 3 in SET-A as option -1 as right answer.

e). Pending hearing and final disposal of this Original Application the respondent no. 2 i.e. MPSC may kindly be directed to permit application to participate in the state service Main Examination 2022 held between 21st to 23rd January 2023 subject to the final decision of this Hon’ble Tribunal.

f). Any other relief for which the applicant is entitled may kindly be granted in the interest of justice.”

6. Another similar matter bearing O.A. No. 1006/2022 matter was mentioned before the present O.A. on 18.11.2022 and therefore, learned C.P.O. was

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O.A. No. 1023/2022

directed to get say of MPSC on or before 22.11.2022. Later on, when the present O.A. was mentioned, it was noticed that the two OA's pertaining to the same examination and the original applicants in the two had similar grievance regarding correctness of second answer-key. Therefore, the present O.A. was also fixed for hearing on 22.11.2022.

7. The present O.A. was heard on 22.11.2022. The learned CPO had submitted a copy of written communication, dated 22.11.2022 written on behalf of MPSC and signed by Under Secretary to MPSC; which was addressed to the learned CPO by which MPSC had communicated rationale / basis of action taken by it; Copy of which was provided to the other side too. In the said communication the factual position as regards question Nos. 50 and 93 of Set-D in respect of O.A. No. 1006/2022 is placed on record. As per the said factual position, in first answer key, the option Nos. 3 and 1 respectively were given as correct answers to said question Nos. 50 and 93 respectively. After considering objections thereof which were called online by 30.08.2022, the expert committee was appointed. As per the said second expert committee opinion, the answer to question No. 50 was retained as option No. 3 and answer to question No. 93 was changed from option No. 1 to

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option No. 2. The question No. 93 of Set-D was question No. 3 in Set-C. The said question No. 3 of Set-C is subject matter of this O.A. No. 1023/2022. In view of that the learned C.P.O. was allowed to adopt this copy of communication dated 22.11.2022, which was produced in O.A. No. 1006/2022 also in this O.A. No. 1023/2022. In view of this contentions raised in this communication dated 22.11.2022 sent by MPSC, learned C.P.O. strenuously urged before us that the similarly situated matters were dealt with by the Hon'ble Bombay High Court. He placed on record the following three citations of the Hon'ble Bombay High Court, which are as follows:-

- a) W.P. No. 7883 of 2012 in the matter of The State Public Service Commission Vs. Tejrao Bhagaji Gadekar & Anr., dated 03.12.2012.
- b) Group of W.P. Nos. 8575 of 2022 & Ors. in the matter of Somnath Jotiram Chavan & Ors. Vs. The State of Maharashtra and Ors. dated 06.09.2022.
- c) W.P. No. 9021 of 2022 in the matter of Shrikrishna Nandevrao Wankhede Vs State of Maharashtra & Anr., dated 27.07.2022

In all these above-said citations, the similar facts about change in answer key of certain questions were involved. The MPSC in these matters addressed the issue with the help of expert committee for settling the

objections after exhibition of first answer key. In such circumstances, it is held that the MPSC has taken due care of settling the objections by taking the help of the expert committee. In view of that, it would not be proper to interfere into the expert's opinion about answers to the questions. More particularly in W.P. No. 8575/2022 & Ors. in the order dated 06.09.2022 (cited supra), it is observed in para Nos. 17, 18, 19 & 20 as follows :-

“17. The MAT considered the factual background and as the rival submissions, including a great deal of learning that was cited before it. In paragraph 19, MAT noted that the MPSC had deleted the question 27 and this could not be faulted. The observation of the MAT in paragraph 22 are indeed interesting. (Pages 80, 81 of the Writ Petition No. 8575 of 2022). The MAT said this:

“22. It is to be noted that unequal treatment given to the candidates appearing for the examination and unequal treatment given to the Questions are two different things. The M.P.S.C. has corrected the answer key of Question No. 87 after considering experts opinion that the correct answer was available. This decision was taken by the M.P.S.C. because there was no dispute in the opinion expressed in respect of Question No. 87. However, in respect of Question No. 27 the opinion given by the experts were conflicting. Therefore, the treatment given to Question No. 87 and Question No. 27 and their Answer Keys is different. But this will not in any case lead to discrimination or violation of Article 14 or Article 16 of the Constitution so far as Applicants are concerned. The Applicants cannot claim legal right against the decision of the M.P.S.C. because the decision taken is applicable uniformly to all the candidates

who appeared for the examination. We understand the plight of the Applicants that they have lost the marks, however, in examinations chance is often a determinant.”

(Emphasis added)

18. *We believe this approach is completely correct. What is being canvassed before us is precisely the opposite: viz., that the Petitioners should be given preferential treatment and the uniform applicability of the MPSC deletion decision should not made applicable to the Petitioners. That is a submission that only needs to be stated to be rejected.*

19. *Finally, the MAT considered the question of the power of the MPSC and again held on the basis of cogent material that the MPSC had the power to take an appropriate decision.*

20. *It is impossible to render a decision in favour of these Petitioners, whether interim or final, without adversely affecting the very many of candidates who have been able to meet the qualifying criteria and are eligible to sit for the main examination on 11th September 2022. There is no principle under which an exception can be carved out for these Petitioners. Even basic notions of equity and justice would not permit such a preferential treatment.”*

8. While responding, learned Advocate for the Applicant has submitted that the case laws may be referred to at the time of deciding the present O.A. on merit. At present interim relief may be granted in the interest of justice, as the last date for filing online application for the main examination is 28.11.2022. Learned CPO opposed for grant of interim relief stating that in view of case laws cited, it is amply clear that this

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O.A. No. 1023/2022

Tribunal is not expected to step into shoes of MPSC for evaluation of answer sheets for the preliminary examination.

9. After having considered the facts and submissions on record, it is evident that the applicant said to have been affected because of corrected answer key in respect of question No. 3 of Set-C. Admittedly the second answer key is published after having considered the objections raised in respect of first answer key by 30.08.2022 through second expert committee. In the facts and circumstances, the MPSC has done exercise of getting correct answer key through another committee of expert. No doubt, the MPSC in its communication addressed to learned C.P.O. has stated that whatever is done is done by the expert committee and not by the MPSC. But that has to be appreciated in proper perspective. The wording in the said communication will not change the facts on record. Accordingly, we have to appreciate the facts of the present case in the background of the ratio laid down in the citations relied upon by the learned C.P.O., which we have already reproduced.

10. On perusal of citations made by the learned CPO, and upon considering submissions made by the learned Advocate for the Applicant, in our considered opinion, this Tribunal is not expected to interfere with the process

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O.A. No. 1023/2022

of evaluation of answer sheets after MPSC has decided all the objections received within prescribed time with the help of second committee of experts.

11. In view of above, in our considered opinion the case laws cited by the learned CPO are aptly applicable in the present matter. In view of the ratio laid down in the above-said citations, no prima-facie case is made out by the applicant for seeking relief of allowing him to appear for main examination, which is scheduled on 28.11.2022. Not only this but as per the ratio laid in the above-said citations, it has amply clear that it would not be permissible for the Tribunal to go into the area of evaluation of answer sheets for the preliminary examination by entering into shoes of MPSC. In view of this, in our considered opinion, there is no merit in O.A. itself and therefore, it is liable to be dismissed summarily. We, therefore, proceed to pass following order:-

ORDER

- A] Original Application No. 1023 of 2022 is dismissed.
- B] The interim relief as prayed for by the applicant in terms of prayer clause 21 (e) is hereby rejected.
- C] No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 387 OF 2018
(Pramod V. Gite Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned Advocate holding for Shri R.D. Khadap, learned Advocat for respondent No. 5.

2. At the request of learned Advocate for respondent No. 5, time is granted for filing affidavit in reply.

3. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 498/2022 in O.A. St. No. 1790/2022
(Ganesh D. Nagargoje & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicants, S.O. to 01.12.2022.

MEMBER (A)

KPB ORAL ORDERS 24.11.2022

MEMBER (J)

M.A. No. 499 /2022 in O.A. St. No. 1792/2022
(Vikas N. Khedkar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicants, S.O. to 01.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 24.11.2022

**ORIGINAL APPLICATION NO. 703 OF 2022
(Shivaji V. Galande Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri G.R. Jadhav, learned Advocate holding for Shri O.B. Boinwad, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 21.12.2022.

MEMBER (A)

KPB ORAL ORDERS 24.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 1008 OF 2022
(Suresh R. More Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.M. Hajare, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 03.01.2023.
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 03.01.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 868 OF 2022
(Ramdas G. Gangadhare Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 03.01.2023.
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 03.01.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1037 OF 2022
(Vijaysing K. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.M. Hajare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 03.01.2023.
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 03.01.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 985 OF 2022
(Vitthal H. Wanve Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 01.12.2022.

MEMBER (A)

KPB ORAL ORDERS 24.11.2022

MEMBER (J)

**ORIGINAL APPLICATION NO. 398 OF 2021
(Vasant R. Medhe Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities. Shri S.D. Dhongde, learned Advocate for respondent No. 2, **leave note**.

2. In view of leave note filed by the learned Advocate for respondent No. 2, S.O. to 06.12.2022 for re-hearing.

MEMBER (A)

KPB ORAL ORDERS 24.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 271 OF 2019
(Avinash R. Kamble & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The present Original Application is filed seeking declaration of eligibility for the post of Assistant Conservator of Forest and Range Forest Officer. By the interim order dated 22.03.2019, the applicants were allowed to appear in screening test. However, the applicants failed in that examination. In view of the same, the present O.A. has become infructuous.

3. In view of above, the Original Application stands disposed of as infructuous with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 171 OF 2019
(Dr. Vaishali R. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri B.N. Gadegaonkar, learned Advocate for respondent No. 4.

2. During the course of arguments, it transpires that the experience certificate of the respondent No. 4 under Clause 4.8 of the Advertisement dated 17.05.2017 (Annexure A-5) would be necessary to adjudicate this matter. Such certificate is not produced on record.

3. In view of the same, the respondents are directed to produce on record such document/s by the next date of hearing, which was considered for giving appointment to the respondent No. 4.

4. S.O. to 05.12.2022.

5. The present matter is to be treated as part heard.

MEMBER (A)

MEMBER (J)

**Review 04/2022 in O.A. No. 108/2019
(Krushna R. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present Review Petition is being filed against the order dated 30.03.2022 passed in O.A. 108/2019. The said order under review is passed by the Division Bench of Hon'ble Justice P.R. Bora, Vice Chairman and one of us i.e. Hon'ble Shri Bijay Kumar, Member (A).

3. In view of the same, the present matter may be placed before the Division Bench consisting of Hon'ble Justice P.R. Bora, Vice Chairman and Hon'ble Shri Bijay Kumar, Member (A).

4. S.O. to 07.12.2022.

MEMBER (A)

KPB ORAL ORDERS 24.11.2022

MEMBER (J)

ORIGINAL APPLICATION NO. 532 OF 2020
(Hemant J. Kinhikar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that during pendency of the present Original Application the applicant has been promoted to the post of Deputy Superintendent of Land Records vide order dated 27.05.2022. In view of the same, he submits that the matter will proceed further only in respect of deemed date for the applicant in respect of the said post.

3. Learned Presenting Officer submitted that the respondents are considering the case of the applicant for granting deemed date.

4. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 141/2021 in O.A. No. 295/2019 with
C.P. 03/2021**

**(State of Maharashtra & Ors. Vs. Maharashtra Rajya
Hangami Hivtap Prayogshala Karmachari Sanghatana)**

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicants in O.A., Shri Vinod Bhumkar, learned Presenting Officer for the respondent authorities (applicants in M.A.) and Shri V.P. Patil, learned Advocate for respondents (intervenors).

2. The M.A. No. 121/2021 was allowed by this Tribunal by the order dated 03.08.2022. By the said order, the intervenors were allowed to be joined as party respondents in O.A.

3. Learned Advocate for the applicants in O.A. admits that the formal amendment for joining the intervenors as party respondents is not carried out in the O.A. and therefore, she seeks permission of this Tribunal to carry out the necessary amendment in the O.A.

4. In the interest of justice, the amendment is allowed to be carried out forthwith.

//2// M.A. 141/2021 in O.A.
295/19 with CP 03/21

5. Learned Advocate for the private respondents / intervenors submits that the grievance of the intervenors would be only to consider their claim in accordance with law in the O.A. In the facts and circumstances, he adopts the contentions raised by the applicants in M.A. No. 121/2021 as their affidavit in reply in O.A. No. 295/2019.

6. At the request of learned Presenting Officer, S.O. to 28.11.2022 for re-hearing.

MEMBER (A)

KPB ORAL ORDERS 24.11.2022

MEMBER (J)

ORIGINAL APPLICATIO NO.93 OF 2019
(Priyanka J. Janephalkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.R. Jadhav, learned Advocate holding for Shri J.M. Murkute, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 07.12.2022 for hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

**M.A.NO.185 OF 2021 IN O.A.NO.257 OF 2021
(Nansahb L. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 05.12.2022 for hearing. **High On Board.**

3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

**M.A.NO.192 OF 2021 IN O.A.NO.258 OF 2021
(Laxman N. Sormar Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 05.12.2022 for hearing. **High On Board.**

3. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATIO NO.149 OF 2018
(Dhananjay L. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri M.B. Kolpe, learned Advocate for the applicant (**absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. S.O. to 02.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.349 OF 2019
(Dadasaheb M. Kewat Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities. Shri S.D. Dhongde, learned Advocate for the respondent No.4 has filed a **leave note**.

2. Record shows that in spite of grant of opportunities, affidavit in reply is not filed on behalf of the respondents. Hence, the matter will proceed further without affidavit in reply of the respondents.

3. S.O. to 15.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.734 OF 2019
(Shamsundar R. Pande Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 15.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.09 OF 2021
(Ulhas Y. Kawade Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri Hemant U. Dhage, learned Advocate for the applicant (**absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 02.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.195 OF 2021
(Gopal 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 : 24.11.2022

ORAL ORDER :

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

2. S.O. to 09.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

**O.A.NO. 212 OF 2021 WITH O.A.NO.213 OF 2021
(Dr. Rahul P. 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 : 24.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in both the O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondents in both the O.As.

2. S.O. to 07.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.279 OF 2021
(Pratap A. Garje Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.350 OF 2021
(Shaikh Chand Badshaha Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.644 OF 2021
(Dilip B. Wani Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned Advocate for the applicant has filed a **leave note**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.368 OF 2022
(Ankita D. Chunga Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Sandeep Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 04.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.426 OF 2022
(Urmila S. Phule @ Urmila P. Narwade Vs. State of
Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 09.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATIO NO.581 OF 2022
(Vijay B. Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri Avinash V. Choudhari, learned Advocate for the applicant (**absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.851 OF 2022
(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 05.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

M.A.NO.362 OF 2021 IN O.A.NO.745 OF 2021
(Arvind D. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

**M.A.NO.170 OF 2022 IN O.A.ST.NO.404 OF 2022
(Raosaheb S. Deshmukh Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

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 P.O. for the respondents submits that she would file affidavit in reply during the course of the day.

3. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit in rejoinder.

4. S.O. to 08.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATIO NO.680 OF 2013
(Vilas R. Gandhane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 12.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.499 OF 2015
(Dr. Maroti D. Dake Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. S.O. to 13.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.758 OF 2015
(Dr. Tanuja S. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.244 OF 2016
(Vijaykumar P. Narwade Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.156 OF 2017
(Raufkhan H. Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Anudip D. Sonar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.408 OF 2017
(Shivam S. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri R.B. Wankhede, learned Advocate holding for Shri S.P. Urgunde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.804 OF 2017
(Prakash D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 16.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.939 OF 2017
(Dattatraya S. Bargaje Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 16.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.213 OF 2018
(Balaji N. Sontakke Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 06.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.399 OF 2018
(Kantilal K. Golwal Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri R.B. Wankhede, learned Advocate holding for Shri S.S. Dhambe, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATIO NO.887 OF 2018
(Dr. Sumant N. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 22.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.416 OF 2019
(Arjun M. Maskar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondent authorities. Shri S.D. Dhongde, learned Advocate for the applicant has filed a **leave note**.

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATIO NO.478 OF 2019
(Dr. Anand 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 : 24.11.2022

ORAL ORDER :

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

2. S.O. to 23.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.240 OF 2022
(Ankij P. Sawai Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. Issue fresh notice to the respondent No.4, returnable on 28.11.2022.

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

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

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

//2//

O.A.240/2022

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

7. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos.1 to 3.

8. S.O. to 28.11.2022 for urgent admission.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATIO NO.115 OF 2022
(Pralhad V. Kurewad Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

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

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.387 OF 2020
(Ajay R. More Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri Nilesh J. Patil, learned Advocate for the applicant (**absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is only filed on behalf of the respondent No.2.
3. At the request of the learned P.O., last chance is granted for filing affidavit in reply on behalf of the respondent Nos.1 & 3.
4. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATIO NO.274 OF 2019
(Prashant S. Sapkale Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri N.V. Borse, learned Advocate holding for Shri M.R. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service.

3. At the request of the learned Advocate for the applicant, S.O. to 23.12.2022 for taking necessary steps.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.311 OF 2019
(Rekha I. Manikhedkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted for filing affidavit in sur rejoinder.

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO.312 OF 2019
(Dr. Ashok P. Misale Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.1.
3. At the request of the learned P.O., last chance is granted for filing affidavit in reply on behalf of the respondent No.2.
4. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.115 OF 2020
(Pravin S. Thakre Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.454 OF 2021
(Dipak L. Pendkar Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.640 OF 2021
(Maharashtra Rajya Nagar Parishad, Nagar Panchayat,
Karmachari Sanwarg Karmachari Sanghtana Through it's
Authorized member Shri Haridas K. Wagh (Patil) Vs. State
of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri R.K. Ashtekar, learned Advocate for the applicant (**absent**). Heard Smt. M.P. Gude, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 03.01.2023 for filing affidavit in rejoinder.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.75 OF 2022
(Pankaj N. Kahirkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned Advocate for the applicant has filed a **leave note**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.93 OF 2022
(Vidya S. Sudane Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. S.O. to 03.01.2023. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.111 OF 2022
(Pandurang V. Hande Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, time is granted for filing affidavit in rejoinder.
3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.151 OF 2022
(Chhaban V. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.152 OF 2022
(Duryodhan S. Wankhede Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Ms. Megha Mali, learned Advocate holding for Shri S.K. Mathpati, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.137 OF 2022
(Abhijit V. Bhapkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

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

3. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.235 OF 2022
(Dilip A. Patotle Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri P.B. Bodhade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Affidavit in rejoinder filed by the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.236 OF 2022
(Bhagyashri T. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri P.B. Bodhade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Affidavit in rejoinder filed by the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.265 OF 2022
(Ranjana B. More Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri P.B. Bodhade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Affidavit in rejoinder filed by the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.12.2022 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.270 OF 2022
(Suresh M. Kadam Alia Suresh B. Sharma Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri Shreyas Deshpande, learned Advocate for the applicant (**absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Jiwan J. Patil, learned Advocate for the respondent No.4.

2. Await service for respondent No.1.

3. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.369 OF 2022
(Madhukar K. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar learned Advocate for the applicant and Shri I.S. Thorat learned Presenting Officer for the respondents.

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

3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.376 OF 2022
(Priyanka S. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate learned Presenting Officer for the respondents.

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

3. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.413 OF 2022
(Dr. Rajesh D. Subhedar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.479 OF 2022
(Dr. Parvez Abdul Jabbar Mujawar Vs. State of Maharashtra
& Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. Await service.
3. At the request of the learned Advocate for the applicant, time is granted for taking necessary steps.
4. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.544 OF 2022
(Jagdish N. Yengupatla Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Sanjay N. Pagare, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri Jiwan J. Patil, learned Advocate for the respondent No.4.

2. Affidavit in reply filed on behalf of the respondent Nos.2 and 3 is taken on record and copy thereof has been served on the other side.

3. Record shows that the affidavit in reply is already filed on behalf of the respondent No.4.

4. S.O. to 04.01.2023 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.578 OF 2022
(Shailesh U. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. At the request of the learned C.P.O., time is granted for filing affidavit in reply on behalf of the respondents.

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.602 OF 2022
(Balasaheb A. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Hemant Surve, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.613 OF 2022
(Rahul D. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri A.S. Deshmukh, learned Advocate for the respondent Nos.8, 15, 17, 22, 24 & 26 to 28 and Shri A.D. Sugdare, learned Advocate for the respondent No.29.

2. Learned Advocate for the applicant submits that he would file service affidavit during the course of the day.

3. S.O. to 23.12.2022 for filing affidavit in reply on behalf of the respondents.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 623 OF 2022
(Dr. Deepak B. Kharat Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. Learned C.P.O. for the respondents submits that he would file affidavit in reply during the course of the day along with extra copy for the applicant.

3. S.O. to 23.12.2022 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 629 OF 2022
(Santosh V. Deshmukh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri Ujjwal Patil, learned Advocate for the applicants (**absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 633 OF 2022
(Dr. Sanjay B. Dhage Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. At the request of the learned P.O. for the respondents, time is granted for filing affidavit in reply.

3. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 641 OF 2022
(Amarsing S. Kamthekar Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri H.V. Tungar, learned Advocate for the applicant (**absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of the learned P.O. for the respondents, time is granted for filing affidavit in reply.

3. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

ORIGINAL APPLICATION NO. 659 OF 2022
(Navnath C. Ugalmugale Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. Affidavit in reply filed on behalf of the respondent Nos. 1 to 4 is taken on record and copy thereof has been served on the other side.

3. S.O. to 04.01.2023 for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 681 OF 2022
(Nashaboina S. Yadgiri Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Yogesh P. Deshmukh, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned Advocate for the respondent Nos.2 & 3.

2. At the request made on behalf of the respondents, time is granted for filing affidavit in reply.

3. S.O. to 03.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 702 OF 2022
(Nitin S. Hagare Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

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

2. Await service of notice for the respondent No.1.
3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos.2 to 4.
4. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 878 OF 2022
(Dattatray A. Galgate Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Await service.
3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 907 OF 2022
(Ajay S. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 908 OF 2022
(Chandrakant K. Sanap & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 909 OF 2022
(Rahul Y. Pawal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 910 OF 2022
(Pankaj R. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 911 OF 2022
(Dipak D. Sanap & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 912 OF 2022
(Yuvraj N. Rakh Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri M.S. Karad, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1005 OF 2022
(Ganpat H. Darade Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Shri S.K. Chavan, learned Advocate for the applicant (**absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. for the respondents placed on record the copy of letter dated 24.11.2022 addressed by Under Secretary to Government of Maharashtra, Home Department, Mumbai to his office. It is taken on record and marked as document 'X' for the purpose of identification.

3. At the request of the learned C.P.O., time is granted for filing affidavit in reply on behalf of the respondents.

4. S.O. to 28.11.2022.

MEMBER (A)

MEMBER (J)

**M.A.NO.140 OF 2022 IN O.A.ST.NO.494 OF 2022
(Vinod V. Bandale Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

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

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

3. S.O. to 12.12.2022.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 24.11.2022

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

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. By consent of both the sides, S.O. to 02.12.2022 final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 255 OF 2019
(Subhash D. Thale Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant (**absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. In view of absence of learned Advocate for the applicant, S.O. to 05.12.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 405 OF 2019
(Shishupal S. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Shri V.G. Salgare, learned Advocate for the applicant (**absent**). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. In view of absence of learned Advocate for the applicant, S.O. to 05.12.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 712 OF 2021
(Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The matter was made nominally part heard.
3. In view of the same, it is made de-part heard and it be placed before the regular Single Bench.
4. S.O. to 29.11.2022.

MEMBER (J)

**R.A.NO.6/2022 IN M.A.NO.469/2022 IN O.A.NO.536/2021
(The Charity Commissioner, Maharashtra State, Mumbai
Dharmaday Ayukt Bhavan Through The Deputy Charity
Commissioner, Maharashtra State, Mumbai Vs. State of
Maharashtra & Ors.)**

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

DATE : 24.11.2022

ORAL ORDER :

Heard Shri I.S. Thorat, learned P.O. for the applicant in Review Application/respondents in O.A.

Shri R.A. Joshi, learned Advocate for the respondent in Review Application/applicant in O.A., is **absent**.

2. S.O. to 30.11.2022. Till then the earlier arrangement to continue.

MEMBER (J)

M.A.NO. 497/2022 IN O.A.NO. 686/2022
(Shaikh Musa Shaikh Mohioddin Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Heard Shri H.M. Shaikh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The present M.A. is filed seeking permission for production of certain documents, which could not be filed along with application at the time of filing of the O.A.

3. In view of the fact that in the present matter notice has not yet been issued to the respondents, there cannot be any impediment in allowing the applicant to place the documents on record. The necessary documents are permitted to be taken on record. Accordingly, the M.A. stands disposed of however, without any order as to costs.

4. O.A. be taken up for consideration on 18.1.2023.

VICE CHAIRMAN

M.A.NO. 304/2022 IN O.A.ST.NO. 1027/2022
(Ravikiran Rajesh Ahire & Anr. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri M.G. Sharma, learned counsel holding for Shri S.G. Chapalgaonkar, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 16.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**M.A.NO. 400/2021 IN O.A.NO. 701/2021
(Vijay E. Sonune Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri N.D. Sonavane, learned counsel for the applicant in M.A. and Shri Dinesh Kakde, learned counsel for the applicant in O.A., are absent. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. S.O. TO 16.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

T.A.NO. 5/2022 (W.P.NO. 6437/2022)
(Babita W/o. Vilas Pawar Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 5.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 82 OF 2021
(Deepak S. Zinjurde Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Ms. Amruta Paranjape-Menezes, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar G.R. dated 6.4.1998 and the same is taken on record and copy thereof has been served on the other side.

3. Learned counsel for the applicant seeks time to go through the said G.R. and to make submissions.

4. S.O. to 17.1.2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 110 OF 2021
(Dr. Namdeo R. Pawar Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

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

2. Learned counsel for the applicant submitted that the applicant is not intending to file any rejoinder affidavit. List the matter for hearing on 20.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 431 OF 2022
(Baliram B. Chavan Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 5 and the same is taken on record and copy thereof has been served on the other side.

3. Learned P.O. sought time for filing affidavit in reply on behalf of other respondents. Time granted.

4. S.O. to 12.1.2023

VICE CHAIRMAN

**O.A.NO. 98/2020 WITH CAVEAT 78/2019
(Bhavana R. Patil Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Manish Bhambre, learned counsel for respondent No. 2, are present.

2. At the request of learned counsel for respondent No. 2, S.O. to 14.12.2022 for filing sur-rejoinder.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

ORIGINAL APPLICATION NO. 650 OF 2022
(Umabai M. Mane & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submitted that the applicant is not intending to file any rejoinder affidavit. List the matter for hearing on 19.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 683 OF 2022
(Narayan S. Boinwad Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Amol N. Kakde, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Time granted as a last chance.

3. S.O. to 19.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**M.A.NO. 475/2022 IN O.A.ST.NO. 321/2020
(Bismilla Tadvi Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Heard Shri A.M. Hajare, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The present case is not on board. It is taken on board at the request of learned counsel for the applicant.

3. At the request of learned counsel for the applicant time of one week is extended to carry out the amendment in O.A. St. No. 475/2022.

4. The present case be listed on board on the given date.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

ORIGINAL APPLICATION NO. 871 OF 2022
(Santosh Ansiram Jadhav Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Dhananjay Mane, learned counsel holding for Shri Nilkanth R. Pawade, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant reissue notices to the respondents, returnable on 12.1.2023.

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 12.1.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 433 OF 2021
(Chabutai R. Dudhe Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri A.K. Mishra, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 2.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 643 OF 2021
(Tanjai M. Narale Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Yuvraj S. Choudhari, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 2.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 76 OF 2022
(Ashok R. Jawale Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 19.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

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

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri D.G. Kamble, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 19.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 232 OF 2022
(Sudhakar Y. Dandge Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Rahul O Awasarmol, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 2.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 233 OF 2022
(Sudhakar Y Dandge Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Rahul O Awasarmol, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 2.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 370 OF 2022
(Raosaheb S Kshirsagar Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Nilesh J. Patil, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 19.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 406 OF 2022
(Pandit K. Pawar & Ors. Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri B.R. Kedar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit. Time granted.

3. S.O. to 20.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 486 OF 2022
(Mukesh H Mahajan Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

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

2. S.O. to 16.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

O.A.NOS. 550 TO 566 ALL OF 2022
(Raghoji R. Bele & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these cases, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 9.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 617 OF 2022
(Amol N. Manore Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Tapan K. Sant, learned counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 6.1.2023.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 644 OF 2022
(Dr. Bhausaheb N. Chalak Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri B.S. Shinde, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 23.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 721 OF 2022
(Laxman R. Jadhav Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 21.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 722 OF 2022
(Devidas M. Kandhare Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 21.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 723 OF 2022
(Dattatraya K Istake Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 21.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 724 OF 2022
(Baban N. Jadhav Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri P.R. Tandale, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

Shri S.B. Mene, learned counsel for respondent No. 2 has filed leave note.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 22.12.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 744 OF 2022
(Kapil V. Chavhan & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri Neha B. Kamble, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 22.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**M.A.NO. 252/2022 IN O.A.ST.NO. 954/2022
(Pallavi E. Bhand Vs. State of Maha. & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Shri O.D. Mane, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 21.12.2022.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**ORIGINAL APPLICATION NO. 317 OF 2021
(Vishwambhar V. Tidke Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

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

2. The applicant has preferred the present Original Application being aggrieved by the communication dated 6.9.2016, whereby respondent No. 2 has declined to consider the request of the applicant for carrying out correction in the date of his birth.

3. As is contended in the application, the applicant joined Government service on 6.6.2000. On 4.6.2005 the applicant submitted application thereby requesting respondent No. 2 to correct his date of birth in service record. According to the applicant, his correct date of birth is '2.4.1963', but in the service book it has been recorded as '17.7.1962'. It is further contended that as because no action was taken on the earlier application submitted by the applicant on 4.6.2005, he

preferred fresh application on 17.11.2015 reiterating the same request i.e. to correct his date of birth in the service record. The request so made has been rejected by respondent No. 2 vide impugned communication, which, the applicant has challenged in the present O.A. The contention raised in the O.A., as well as, prayer made therein are opposed by the respondents by filing their joint affidavit.

4. The request made by the applicant has been opposed mainly on the ground that the application dated 17.11.2015 since was not filed within the prescribed period of 5 years the request was not liable to be considered.

5. Learned counsel appearing for the applicant submitted that the applicant had filed the application well within the period of limitation i.e. on 4.6.2005 before completing 5 years of his period of service. Learned counsel invited my attention to the contentions raised in the paragraph 6 of the affidavit in reply and pointed out that the respondents have unambiguously admitted that the applicant had filed the application for correction in his date of

birth on 4.6.2005 and that, it was within the prescribed period of limitation. Learned counsel submitted that in view of the candid admission given by the respondents in their affidavit in reply the reason as has been assigned while declining the request of the applicant vide impugned communication is contrary to the factual position admitted by the respondents in their affidavit. Learned counsel submitted that once the respondents have admitted that the application was filed by the applicant within the period of limitation, they are estopped from taking such stand that the application cannot be considered as it has been filed beyond the period of limitation. Learned counsel in the circumstances, prayed for setting aside the impugned order and further direction to the respondents to consider the request of the applicant for correction in the date of his birth.

6. I have duly considered the submissions advanced by the learned appearing for the applicant and the learned Presenting Officer appearing for the respondent authorities. I have gone through the

pleadings of the parties, as well as, documents placed on record.

7. It is not in dispute that the applicant entered into the Government services on 6.6.2000. In the service record his date of birth has been recorded as 17.7.1962. The impugned order rejecting the request of the applicant has been passed on the application submitted by the applicant on 17.11.2015. It would, therefore, be necessary to look into the contents of the said application. On perusal of the said application it is revealed that it nowhere contains any such information or reference that the applicant had earlier also on 4.6.2005 preferred an application praying for correction in his date of birth. In view of the fact that in the application dated 17.11.2015 which was under consideration for the respondents, since there was nothing mentioned about the earlier application, the impugned order came to be passed thereby informing the applicants that the request or the prayer for correcting the date of birth was not made by the applicant within the stipulated period of 5

years and, as such, his application was not liable to be considered.

8. The impugned order has to be examined only in context with the application submitted by the applicant on 17.11.2015. If that is so considered, there appears absolutely no error on the part of the respondents in rejecting the request of the applicant since it was apparent that the application was filed by the applicant after 15 years of his joining Government services. This is the first reason for which the request of the applicant cannot be considered.

9. The applicant has alleged that his earlier application was not considered by the respondent authorities, which was filed well within the period of limitation. The applicant has, however, not disclosed any reason as to why he did not state the said fact in his application preferred on 17.11.2015. When the applicant did not bother to bring the said fact to the notice of the authorities concerned, no blame can be attributed on the part of the respondents in passing the impugned order. Had

there been some reference perhaps it could have been said that the respondents have committed an error in straightway rejecting the application of the applicant.

10. It has also to be examined whether there is any substance in the contention so raised on behalf of the applicant that he had made an application within the period of limitation. In the affidavit in reply the respondents have fairly admitted that the applicant had filed application on 4.6.2005. Copy of the said application is there on record. From perusal of the aforesaid application it is apparently revealed that along with the said application the applicant had not enclosed any document in support of his claim. In the affidavit in reply the respondents have come out with the specific case that after receipt of the said application dated 4.6.2005, which seems to have received in the office on 5.6.2005, certain queries were raised and office head of the applicant was accordingly informed about such non-compliance and non-filing of the requisite documents by the applicant in support of his request. According to the further averments in the

affidavit in reply of the respondents, on 9.8.2005 the Deputy Director, Town Planning, Aurangabad Region had communicated the Town Planner, Beed under whom the applicant was working at the relevant time about the compliance required to be made by the applicant. The contents of the said letter reveal that though the application was preferred by the applicant he had not annexed with his said application any supportive documentary evidence, as well as, the first page of his service book, which was mandatorily required to be filed along with the said application. In the affidavit in reply the respondents have further specifically deposed that the letter dated 9.8.2005 was specifically brought to the notice of the applicant on 11.8.2005 and his signature was also obtained in token thereof. The applicant has not filed any rejoinder to the affidavit in reply filed by the respondents having aforesaid contentions. Moreover, there appears no reason for the respondents to make any false statement that the said communication was brought to the notice of the applicant. Since applicant has not denied the aforesaid facts, it has to be presumed that the

communication dated 9.8.2005 was within the knowledge of the applicant. It is thus, evident that in spite of directions from superior authorities the required documents on the basis of which the request of the applicant could have been considered by the respondents were not provided by the applicant. The applicant has not given any explanation as to why he did not provide the required documents in support of his claim though he was specifically asked to submit such documents. Failure or omission or inaction on the part of the applicant in providing the requisite documents in order to substantiate his claim leads to the only inference that he had relinquished his said claim. No blame, therefore, can be attributed on part of the respondents.

11. It is quite evident that the applicant thereafter though preferred a fresh application on 17.11.2015, did not disclose therein about earlier application filed by him. The applicant has also not explained why he remained silent about his application allegedly submitted on 4.6.2005 till 2015 i.e. for long period of about 11 years.

12. In the aforesaid circumstances, it does not appear to me that the respondents have committed any error in rejecting the application vide the impugned order. From the facts which have come on record it appears that after about 15 years the applicant has prayed for correction in his date of birth and even thereafter up to fag end of his retirement he did not ventilate his grievance before the Tribunal or the Court. He approached the Tribunal at the fag end of his retirement. Though it is a fact that delay occasioned in filing application has been condoned by this Tribunal, the fact remains that before retirement no efforts were done by the applicant.

13. Law is quite settled that any claim for correcting date of birth in the service record, if it is not made within the period stipulated therefor in the service rules or within the reasonable period, it has not to be entertained. Such applications made at the fag end of service must suffer rejection.

14. For the reasons stated above, the following order is passed: -

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O.A. NO. 317/2021

ORDER

The Original Application is rejected. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

**O.A.NO. 450/2021 WITH M.A.NO. 391/2021
(Dr. Pratap Pundlik Ege Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman**

DATE : 24.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri P.R. Tandale, learned counsel for respondent No. 5.

2. When the present application is taken up for consideration it is noticed that despite giving due opportunities the respondents have failed in filing the affidavit in reply to the Original Application, as well as, to the M.A..

3. Few facts which are relevant to be noted first are thus:

The applicant is working as Medical Officer Group B at Primary Health Centre, Gangapur, Dist. Latur since the year 2018. On 6.8.2021 the applicant came to be served with the impugned order, whereby he was transferred from the Primary Health Centre, Gangapur, District Latur to the Epidemic Medical Officer at Zilla Parishad, Osmanabad.

Though the applicant was transferred at the aforesaid place there was no further order as to who was going to occupy the post which he was holding till then.

4. The said order dated 6.8.2021 has been challenged by the applicant in the present O.A. on the ground that though the counseling system has been introduced by the Government by taking conscious decision in that regard so that inconvenience likely to be caused to the Government employees can be avoided to the great extent. Without following the said procedure the impugned order has been passed. Learned counsel for the applicant submitted that before receiving the impugned order the representations were made by the applicant requesting the Government not to effect the transfer without holding counseling session as provided under Government Resolution dated 9.4.2018.

5. It is also the contention of the applicant that though the impugned order was served upon him, since there was nobody to occupy his post the

:: - 3 - :: O.A. 450/21 WITH M.A. 391/21

applicant was not relieved from his present post. The applicant was, therefore, not required to press any interim relief as claimed in the O.A. However, subsequently, in the month of December one Dr. S.P. Kadam came to be appointed on the post of the applicant and the applicant, therefore, was required to file the M.A. No. 391/2021 raising his objection about the appointment so made of Dr. S.P. Kadam. In the said matter the applicant got interim relief from this Tribunal and on the strength of the said interim order till this date the applicant is discharging his duties of the present post.

6. Learned Presenting Officer submitted that in the transfer order itself it is averred that the said transfer order has been passed after counseling. Learned counsel for the applicant was prompt enough in bringing to my notice that in the O.A. the applicant has specifically averred that no such counseling took place before passing of the said order. As regards averment so made on behalf of the applicant there is no counter on behalf of the respondents on oath.

7. In the backdrop of the aforesaid facts when I started hearing the arguments of the learned counsel appearing for the applicant, it is transpired that only grievance of the applicant was that without counseling he would not have been transferred from the said post. It does not appear that the applicant was reluctant and was desirous of seeking order for his posting on the present post. Learned counsel fairly submitted that the applicant has already completed regular tenure on the said post. Having noticed the facts as aforesaid it appears to me that without going into the merits of other issues raised in the present matter and more particularly when there is nothing on record from the side of the respondents, the present O.A. can be disposed of by giving certain directions to the respondents.

8. It has to be noted that the regular transfers are normally effected in the month of May/June and the process for effecting such transfers commences in the month of March or April of the respective years. The applicant has already worked for more than a year after the impugned order of transfer was served upon him. In the circumstances, no prejudice is

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likely to be caused if the applicant is allowed to continue for few months on the said post and in annual transfers he can be transferred at any other place and as requested by him after counseling session take place.

9. It does not appear to me that the request made by the applicant or expectation of the applicant that before effecting transfer the counseling shall be done is unfair or unjust. On the contrary, the objects as are noted in the preamble of the G.R. dated 9.4.2018 are sought to be implemented. Very purpose behind introducing such system is to consider the convenience of the Government employee as far as possible and avoid inconvenience. In the circumstances, it appears to me that the present O.A. can be disposed of with the following order: -

ORDER

(i) The respondents shall not disturb the applicant until annual transfers for the next year are effected and before transferring him, as well as, all other employees, the respondents shall ensure

:: - 6 - :: O.A. 450/21 WITH M.A. 391/21

that the provisions as are incorporated in the G.R. dated 9.4.2018 are followed in the letter and spirit. Need not to state that the applicant will not claim retention on the existing post.

(ii) With the observations as above, the O.A., as well as, M.A. both stand disposed of however, without any order as to costs.

VICE CHAIRMAN

ORAL ORDERS 24.11.2022-HDD

ORIGINAL APPLICATION NO. 729 OF 2021
(Ramdas L. Patil & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Heard Smt. K.P. Bharaswadkar, learned Counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The only issue that has been raised in the present Original Application is as regards the notional addition of an annual increment while computing their pension and pensionary benefits. Such increment became due and payable one day after their superannuation.

3. The respondents have not disputed that each of the present applicants had retired on 30th June of respective year of his retirement on attaining the age of superannuation.

4. The issue raised in the present Original Application has been considered and decided by the Division Bench of Hon'ble Bombay High Court in Writ Petition No.6396/2020 decided on 24.06.2021

(Prakash Tulshiram Chaudhari Vs. State of Maharashtra and Others).

5. The aforesaid order was assailed by the State of Maharashtra before the Hon'ble Supreme Court in Special Leave to Appeal (C) No.206 of 2022. The Hon'ble Supreme Court declined to interfere with the said order and accordingly dismissed the Special Leave Petition. Thus the order passed by the Hon'ble High Court in the judgment cited supra has attained finality.

6. Learned Counsel for the applicant has placed on record the copy of order passed in another group of Writ Petitions bearing W.P.No. 2025 of 2020 and Ors. decided on 05.08.2022. In the aforesaid judgment, the Hon'ble High Court referred to its earlier judgment delivered in the matter of **Prakash Tulshiram Chaudhari Vs. State of Maharashtra and others** (cited supra) and has held the petitioners in the Writ Petition before it entitled to the increment which fell due on 1st July i.e. one day after their retirement.

7. Considering the dates of superannuation of the applicants in the present Original Application as being 30th June of the respective years, I hold that the increment payable to them on 1st July of the

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concerned year shall be reckoned for notionally calculating the pensionary benefits, which would have been payable to them from 1st July, but for their superannuation on 30th of June. This notional inclusion of the annual increment would be considered for calculating their pension, gratuity, earned leave, commutation benefits, etc.

8. Since the law laid down in the aforesaid judgment has attained finality and having regard to the fact that the facts involved in the present Original Application are identical with the facts in the said matter before the Hon'ble High Court, I have no hesitation in allowing the present Original Application. Hence, following order:-

ORDER

- (A) The Original Application is allowed.
- (B) The applicants are held entitled for increment due on 1st July of the concerned year of their retirement. It shall be reckoned with for the purpose of pension and gratuity and other retiral benefits subject to rider that the applicants would be entitled to arrears of monetary benefits for the period of three

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years only preceding the date of filing Original Applications.

- (C) The respondents are directed to make payment of arrears accordingly within three months from today and also to ensure that revised pension is paid accordingly.
- (D) No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 358 OF 2022
(Kiran Vitthal Jagdale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 24.11.2022

ORAL ORDER :

Heard Shri Amol N. Kakade, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. This Original Application is filed challenging the order / communication dated 22.3.2022 (Exhibit 'J') issued by respondent No. 3 addressed to respondent No. 4 i.e. Superintendent of Police, Ahmednagar requiring the said respondent to call for three choices of Seashore Districts from the applicant for effecting his further transfer.

3. The applicant was initially appointed vide order dated 3.9.2011 and was posted at Raigad on the post of 'Police Constable (Sailor) deck side'. The applicant made a representation on 27.9.2021 to respondent No. 2 i.e. the Director General of Police, Mumbai praying for his transfer in the office of respondent No. 4 i.e. the Superintendent of Police, Ahmednagar in its Motor Vehicle Department as a Police Constable Driver. The request of the

applicant was considered and order was passed in that regard on 11.11.2021, thereby transferring the applicant at Ahmednagar in the office of respondent No. 4 i.e. Superintendent of Police, Ahmednagar in its Motor Vehicle Department. The applicant resumed his duties in the said office on 6.12.2021, but was allowed to resume on temporary basis stating that there was no sanctioned post of Police Constable (Sailor) on the establishment of respondent No. 4. The applicant, therefore, made representation on 8.12.2021 to respondent No. 2 seeking permission to work at Ahmednagar. Thereafter, impugned order dated 22.3.2022 came to be passed seeking 3 choices of Seashore Districts where sanctioned post of Police Constable (Sailor) are in existence on the establishment.

4. Shri Amol N. Kanade, learned counsel appearing for the applicant submitted that the reason as has been assigned by respondent No. 4 that there is no post on his establishment as Police Constable (Sailor) and hence, the applicant cannot be accommodated in its Motor Vehicle Department, is untenable. Learned counsel taking me through

the relevant rules in respect of recruitment and transfer etc. of the Police Persons submitted that the rules provide that the candidate appointed on the post of Police Constable (Sailor) is liable to be transferred anywhere in the State in the Motor Vehicle Department in the said district under the Superintendent of Police of the said district. Learned counsel submitted that transfer made of the applicant in the Motor Vehicle Department or under the respondent No. 4 is quite sustainable and on the basis of the said order respondent No. 4 must have been accommodated and posted the applicant in the Motor Vehicle Department on the post of Police Constable Driver, which is equivalent post having same pay scale. Learned counsel has brought to my notice that similarly situated candidates were also transferred in the Motor Vehicle Department of the respective districts and no such difficulty has arisen in their cases and they have been accommodated in Motor Vehicle Department of the respective districts. Learned counsel submitted that when the transfer was asked by the applicant on the ground of serious ailment of his parents, who are staying within the jurisdiction of the Ahmednagar District and who are

unable to shift to the place where the applicant was posted earlier i.e. in the Raigad district. Respondent No. 2 considered the request of the applicant and directed the concerned authorities to pass appropriate order in consonance with the request made by the applicant in his application dated 24.9.2021.

5. Learned counsel appearing for the applicant invited my attention to the contents of the said application. Perusal of the said application reveals that the applicant had requested for his transfer on the post of Police Constable Driver in the Motor Vehicle Department in the office of respondent No. 4. In the circumstances, respondent No. 3, who has passed the order must have clarified or expressly mentioned in the order of transfer of the present applicant that he has been transferred on the post of Police Constable Driver in the Motor Vehicle Department of respondent No. 4. Had it been done as was requested by the applicant, perhaps the controversy, which has arisen would not have been there.

6. It is not in dispute that the services of the applicant are governed by the Assistant Police Sub-Inspector Sarang, Assistant Police Sub-Inspector Engine Driver, Police Head Constable Dingi Driver (Deck Side) or Police Head Constable Khalashi (Deck Side), Police Head Constable Dingi Driver (Engine Side) or Police Head Constable Khalashi (Engine Side), Police Constable Khalashi (Deck Side) and Police Constable Khalashi (Engine Side) Group C, in the Motor Transport Section, Police Department under the Home Department (Recruitment) Rules, 2009 (hereinafter referred to as 'Recruitment Rules of 2009'). It is also not in dispute that the applicant was appointed to the post of Police Constable Khalashi (Deck Side) as provided under Rule 7 of the Recruitment Rules of 2009. Rule 17 of the Rules of 2009 provides that a person appointed to the posts mentioned in rules 3 to 8 shall be liable for transfer anywhere in the State of Maharashtra at any District Motor Transport Section or State Reserved Police Force Motor Transport Section or Central Motor Transport Workshop or Police Launch Workshop.

7. As mentioned hereinabove, the applicant holds the post mentioned in Rule 7 of the Rules of 2009. It is thus, evident that he was liable for transfer in the District Motor Transport Section of the District Ahmednagar. Respondent No. 4 cannot plead ignorance in regard to the aforesaid provisions in the Recruitment Rules of 2009. However, it appears that his difficulty was on which post the applicant has to be posted in the Motor Vehicle Department under his control. Admittedly, there is no post of Police Constable Khalasi (Deck Side) on his establishment. In the circumstances, it cannot be alleged that respondent No. 4 willfully or intentionally did not allow the applicant to join in the Motor Vehicle Department under his control as per the order of transfer dated 11.11.2021. The record reveals that respondent No. 4 ultimately though allowed the applicant to resume duty in the Motor Vehicle Department under his control has not paid the salary of the intervening period to him. As has been contended on behalf of respondent No. 4 it is his difficulty that there is no such post of Police Constable Khalashi (Deck Side) on his

establishment and, as such, he is unable to raise the salary bill of the applicant on his establishment.

8. After having understood the facts as aforesaid though the grievance raised by the applicant appears to be genuine, the difficulties in implementing the order of transfer as are put-forth by respondent No. 4 also cannot be said to be fallacious or non-existent. In the above circumstances, it appears to me that the dispute arose in the present matter can be resolved by giving the following directions. Hence, the following order:-

ORDER

(i) The applicant shall again make a detailed representation to respondent No. 3 within 6 weeks from the date of this order and get clarified from respondent No. 3 that he has been transferred to the Motor Vehicle Department at Ahmednagar under the control of respondent No. 4 on the post of Police Constable Driver or the post equivalent to it having same pay scale.

(ii) If any such representation is made by the applicant, respondent No. 3 in consultation with

respondent No. 2 shall within 4 weeks thereafter issue the modified order thereby giving posting to the applicant on any of the post in the Motor Vehicles Department under the control of respondent No. 4 to which he is entitled under the Recruitment Rules of 2009 and shall issue necessary directions to respondent No. 4 to get joined the applicant on the said post.

(iii) In the meanwhile period respondent No. 4 shall allow the applicant to work on the suitable post available in the Motor Vehicle Department and shall draw his salary for the said post in consultation with respondent No. 4.

(iv) The Original Application stands allowed in the aforesaid terms.

(v) There shall be no order as to costs.

VICE CHAIRMAN