

ORIGINAL APPLICATION NO.613/2024
(Dattatray D. Sonune Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Amol R. Gaikwad, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities.

2. Learned Counsel submits that the applicant is eligible to be promoted and kept at Sr.No.1 in seniority list though he has not passed the departmental examination within given time and chances.

3. In view of the facts of the case, argument so made is liable to be rejected at the threshold. Record reveals that, exemption was granted to the applicant on 01-07-2023. Rules in that regard specifically provide that if an employee does not pass the departmental examination within the stipulated period, he will lose his seniority and the persons who have passed the examination prior to him will be considered senior to him.

4. In view of above, applicant's seniority will be considered only from the date he has been exempted from appearing for the departmental examination.

In the circumstances, prayer for interim relief is rejected.

5. Issue notice to respondents, returnable on 01.08.2024.

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

7. 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.

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

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of

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

10. S.O. to 01.08.2024.

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

MEMBER (A)

YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

M.A.NO.222/2024 IN O.A.ST.NO.1282/2024
(Ajit R. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Shivnath D. Bhagwat, learned Counsel for applicants and Shri V.G.Pingle, learned Presenting Officer for respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly is granted subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 24.06.2024

O.A.ST.NO.1282/2024

(Ajit R. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Shivnath D. Bhagwat, learned Counsel for applicants and Shri V.G.Pingle, learned Presenting Officer for respondent authorities.

2. By filing the present O.A. applicants are claiming the following reliefs (Paper book page 7 of O.A.):

“B) The impugned order dated 15/03/2024 (Annexure A-1), issued by the respondent No.2 may kindly be quashed and set aside.

C) The respondents may be directed to declare the results of the all candidates who has fairly given the examination dated 20th and 21st February 2024, for the post of ‘Water conservation officer Class ‘B’ conducted by the respondent no.2.”

3. The documents reveal that, the Government has taken a policy decision to cancel the concerned examination and accordingly a notification to that effect was issued on 15-03-2024. We deem it

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necessary to reproduce the contents of the said notification as it is, which read thus:

“जाहीर सूचना

मृद व जलसंधारण विभागाच्या अधिपत्याखालील जलसंधारण अधिकारी. (स्थापत्य) गट "ब" (अराजपत्रित) या संवर्गातील ६७० पदे सरळसेवेने भरण्यासाठी दि.१९/१२/२०२३ रोजी जाहिरात प्रसिद्ध करण्यात आली होती. सदरहू परीक्षा ही शासन मान्य टि. सी. एस. या कंपनीमार्फत, राज्यातील २८ जिल्हयातील निश्चित केलेल्या एकूण ६६ केंद्रांवर दि. २०/०२/२०२४ व दि.२१/०२/२०२४ या कालावधीमध्ये आयोजित करण्यात आली होती.

दि.२१/०२/२०२४ रोजी सत्र ०१ (सकाळी ९.०० ते ११.००) दरम्यान ARN Associate, ड्रिमलॅंड, नांदगाव पेठ, अमरावती शहर येथील परीक्षा केंद्रावर श्री. यश अनंत कावरे या परीक्षार्थीच्या प्रवेश पत्राच्या झेरॉक्स प्रतीवर खालील बाजूस A, B, C, D अशा स्वरूपात उत्तरेसदृष्ट माहिती असल्याचे आढळून आले होते. या अनुषंगाने, गृह विभागाच्या अहवालानुसार, नांदगाव पेठ, अमरावती शहर येथे गुन्हा क्र.६३/२०२४, कलम ४१७, ४२०, ४६७, ४६८, ४७१, १२० (ब), २०१ (भादंवि सहकलम ६६ (ड) माहिती तंत्रज्ञान कायदा सह कलम ७, महाराष्ट्र विद्यापीठाच्या मंडळाच्या व इतर विनिर्दिष्ट परीक्षेमध्ये होणाऱ्या गैरप्रकारास प्रतिबंध करण्याबाबत अधिनियम, १९८२ अन्वये गुन्हा दाखल करण्यात आला आहे. सदर गुन्ह्यात पोलीस अहवालानुसार आजपावेतो एकूण १३ आरोपींना अटक करण्यात आली असून यामध्ये टिसीएस कंपनीचे अमरावती येथील स्थानिक कर्मचारी व त्यांचे प्राधिकृत ARN Associate, ड्रिमलॅंड, नांदगाव पेठ, अमरावती शहर या ऑनलाईन परीक्षा केंद्राचे कर्मचारी यांचा देखील समावेश आहे.

सबब, परीक्षा घेणाऱ्या टिसीएस या कंपनीतील या परीक्षा केंद्राशी संबंधित काही कर्मचारी या गैरप्रकारात सहभागी असल्याचे प्रथमदर्शनी

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आढळून आले. यामुळे एकूणच सदरहू परीक्षेची विश्वासार्हता व पारदर्शकता यावर काही अंशी प्रश्नचिन्ह उपस्थित झाले असून या परीक्षेविषयी परीक्षार्थींच्या मनात संशय निर्माण होण्यास वाव मिळाला आहे. सदर प्रकरणी अनेक उमेदवारांकडून दिनांक २० व २१ फेब्रुवारी, २०२४ रोजी घेण्यात आलेली परीक्षा रद्द करावी व सदर परीक्षेची प्रक्रिया पुन्हा नव्याने घ्यावी, अशी विनंती शासनाकडे विविध स्तरावर केलेली आहे.

उक्त परीक्षेत झालेला हा गैरप्रकार प्रथमदर्शनी एका केंद्रापुरता दिसत असला तरी, एकूण परीक्षा कार्यपद्धती व पारदर्शकतेविषयी परीक्षार्थींच्या मनात काही अंशी संशय निर्माण करणारा ठरला आहे या गुन्ह्यात गृह विभागाच्या अहवालानुसार आतापर्यंतच्या पोलीस तपासात अटक केलेल्या आरोपींची सख्या, मे. टि. सी एस (TCS) या कंपनीचे स्थानिक कर्मचारी व त्यांच्या अमरावती शहरातील ARN Associate या प्राधिकृत ऑनलाईन परीक्षा केंद्राचे कर्मचारी यांचा प्रथमदर्शनी काही अंशी सहभाग आढळून आलेला दिसतो. यामुळे सदरहू परीक्षा रद्द करून फेर परीक्षा घेण्याची परीक्षार्थींची मागणी याबाबत सांगोपांग विचार होऊन, "जलसंधारण अधिकारी-गट ब अराजपत्रित" या पदासाठी दि. २० व २१ फेब्रुवारी, २०२४ रोजी मे. टि.सी.एस. (TCS) या कंपनीच्या माध्यमातून घेण्यात आलेली परीक्षा रद्द करण्याचा निर्णय शासनाने घेतला आहे. फेरपरीक्षेबाबत व अनुषंगिक कार्यपद्धतीबाबत सविस्तर सूचना स्वतंत्रपणे देण्यात येतील.

सबब, सर्व संबंधीत परीक्षार्थींनी याची नोंद घ्यावी.

(सुनील चव्हाण भाप्रसे)

आयुक्त तथा अध्यक्ष राज्यस्तरीय निवड समिती

मृद व जलसंधारण, छत्रपती संभाजीनगर

दिनांक : १५/०३/२०२४”

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4. In view of the fact that the Government has taken a conscious decision to cancel the examination, it does not appear to us that, such an application with reliefs claimed therein can be entertained by this Tribunal. We are, therefore, not inclined to consider the request made in the O.A. and it deserves to be dismissed summarily. It is accordingly dismissed. No costs.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO.539/2024
(Vijay C. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Sandesh R. Patil, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities.

2. Issue notice to respondents, returnable on 30.07.2024.
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 30.07.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.619/2024
(Ganesh Dhanaji Dandge Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri S.B.Solanke, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities.

2. Learned Counsel submits that the applicant has been selected for the post of X-Ray Technician after having successfully undergone the selection process, the appointment order, however, has been denied to him on the ground that the qualification held by him is not from the recognized Institution. Learned Counsel pointed out that, the applicant has passed the Diploma in Radiology & Imaging Technology from the Vocational Education Training Board of the State of Maharashtra. It is the contention of the applicant that, the said Board shall be deemed to be recognized since the course itself is run by the Government Institute.

3. Learned CPO seeks time to file affidavit in reply after getting necessary instructions in the matter. Learned CPO, however, submitted that if the course is not done through the recognized Institutes notified by the Government and if the applicant is not possessing the certificate from the said recognized Institutions, no case can be said to be made out for grant of any interim relief in his favour.

4. After having considered the submissions made on behalf of the parties and after having gone through the documents placed on record, we deem it appropriate to pass the following order:

ORDER

5. Issue notice to respondents, returnable on 22.07.2024. **In the meanwhile, if the appointment order is issued against the seat reserved for S.T. on the post of X-Ray Technician/X-Ray Scientific Officer, same shall be subject to outcome of the present O.A.**

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

7. 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.

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

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

10. S.O. to 22.07.2024.

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

MEMBER (A)

YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NOS.273/2020, 275/2020,
278/2020, 279/2020, 280/2020
(Kunal D. Vadnere & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 24.06.2024

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel holding for Smt. Sanjivani Ghate, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities.

2. In the present matter, the dispute is in respect of the recruitment process carried out in the year 2019 for filling in the posts of Water Conservation Officer, Group-B (Non-Gazetted). In the said recruitment 34 posts were earmarked for OBC General candidates. It is the case of the applicants and documents support the said contention that though 34 vacancies were notified and were earmarked for OBC candidates only 15 candidates from OBC category were given appointment orders and 19 posts were kept unfilled.

3. The documents reveal that, subsequently, the cut-off was brought down and some candidates were given appointments. It is the contention of the applicants in short affidavit filed by them on 30-04-204 that, one Akshay Baburao Kale, who has secured 121.5 marks has been subsequently given appointment though his name was not there in the select or waiting list.

4. Considering the facts involved in the matter, respondents are directed to file affidavit clarifying the following aspects and providing the information in that regard:

[i] The list of 34 candidates who were initially selected for their appointment against the seats reserved for OBC (General).

[ii] List of 15 OBC candidates to whom the appointment orders were given with the date of appointment/joining.

[iii] Names of the candidates who joined and who did not join.

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[iv] Respondents shall clarify, whether the cut-off initially determined for OBC category was subsequently changed and was lowered down with reasons therefor.

[v] Respondents shall explain when the list of selected candidates was existing why attempt was not made to fill all the 34 posts by appointing candidates in order of their merit.

[vi] Respondents shall file on record list of candidates whose names were included in the waiting list.

[v] The affidavit explaining the above points be filed on 26-06-2024.

5. S.O. to 26-06-2024.

MEMBER (A)
YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.617/2024
(Amit Laxman Bansode Vs. The Secretary, Maharashtra Public
Service Commission, Mumbai.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Akshay Kulkarni, learned Counsel holding for Shri A.A.Yadkikar, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent Commission.

2. Applicant has applied for Group-C post in pursuance of the advertisement bearing no.111/2023 issued on 13-10-2023. Applicant appeared in the examination which was held on 17-12-2023. It is the case of the applicant that, over the front page of the answer-sheet the applicant though filled in all other information, inadvertently, did not blacken the relevant circle pertaining to Question Booklet Series number. It is the grievance of the applicant that for the lapse as aforesaid, the answer-sheet of the applicant has not been assessed.

3. Learned Counsel submitted that, in the identical set of facts the Principal Bench of the Tribunal at Mumbai has passed an order in O.A.No.473/2024 with M.A.No.310/2024 on 13-05-2024. Learned Counsel submits that the Principal Bench of the Tribunal at Mumbai has permitted the applicant before it to mention question booklet series number and darken the circle provided for alphabet 'D' in the answer sheet and has further directed the Maharashtra Public Service Commission (MPSC) to assess answer-sheet of the said applicant, communicate result of the examination and allow her to participate in the further selection process, if she is found eligible for the same.

4. Learned Counsel submits that in the present selection process, further process of conducting skill test will commence from 01-07-2024. Learned Counsel in the circumstances has prayed for similar order as has been passed by the Principal Seat at Mumbai in O.A.No.473/2024 with M.A.No.310/2024.

5. Learned CPO submits that, he will take instructions whether the answer-sheet of the applicant has been assessed or not and has prayed for keeping the matter after a few days.

6. We do not find any reason for adjourning the matter since from the record it clearly appears that, answer-sheet of the applicant has not been assessed as the column pertaining to code of Question Booklet Series is not filled.

7. We have perused the order passed at the Principal Seat of the Tribunal at Mumabi in O.A.No.473/2024 on 13-05-2024. Similar facts as existed in the matter before the Principal Seat are existing in the present matter. In the said matter also Question Booklet Series was remained to be disclosed as is in the present matter. In the circumstances, we are inclined to pass the similar order as was passed in the aforesaid matter. Hence, the following order:

ORDER

[i] Respondent is directed to allow the applicant to write 'D' in the column provided for mentioning Question Booklet Series and darken the circle

provided for alphabet 'D' in the answer-sheet bearing no.4153914.

[ii] Respondent is further directed to assess the answer-sheet for both the subjects i.e. English & Marathi as well as General Aptitude Test and declare the result of the same

[iii] Respondent shall permit the applicant to participate in the skill assessment test scheduled to be conducted between 01-07-2024 to 13-07-2024, if the applicant passes the written examination.

[iv] Applicant shall remain present in the office of MPSC on 26-06-2024 for carrying out the necessary compliance.

[v] Learned CPO shall intimate the order to the respondent, immediately by fastest mode of communication.

[vi] Steno copy may be provided to the learned CPO on his request.

[vii] O.A. stands disposed of in the aforesaid terms, however, without any order as to costs.

MEMBER (A)

YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

M.A.NO.310/2023 IN O.A.NO.702/2018
(Dashrath G. Bhure & Ors. Vs. State of Maharashtra & Ors.)

O.A.NO.341/2019
(Komal R. Rathod & Ors. Vs. State of Maharashtra & Ors.)

O.A.NO.589/2018
(Govind G. Khatgaye Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for applicants in M.A.310/23, Shri A.M.Nagarkar, learned Counsel for applicant in O.A.341/2019 and Shri V.G.Pingle, learned Presenting Officer for respondent authorities, are present.

Shri S.S.Patankar, learned Counsel for applicant in O.A.589/18 is **absent**.

2. Shri Nagarkar, learned Counsel for applicant in O.A.341/2019 submits a short affidavit. Same is taken on record. Copy thereof be provided to the other side.

3. On request of learned P.O., S.O. to tomorrow i.e. 25-06-2024.

MEMBER (A)

YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.300/2022 & 397/2022
(Dr. Santosh R. Kote & Prajakta Khairnar & Ors. Vs. State of
Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Smt. Usha Jadhav, learned Counsel holding for Smt. Pratibha J. Bharad, learned Counsel for the applicants and Shri M.B.Bharaswadkar, learned Presenting Officer for respondent authorities, are present.

2. Learned Counsel who was appearing for the applicant is reported to have been appointed as AGP. Learned Counsel Smt. Usha Jadhav, learned Counsel holding for Smt. Bharad seeks time to make alternate arrangement. Time granted.

3. S.O. to 22-08-2024.

MEMBER (A)

YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

**C.P.NO.37/2023 IN REVIEW APPL. NO.05/2022 IN
O.A.NO.981/2019
(Dr. Ravindra K. Deshmukh Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri G.V.Mohekar, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. Learned Counsel for applicant seeks time to file affidavit in rejoinder. Time is granted.
3. S.O. to 04-07-2024.

MEMBER (A)

YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.141/2019
(Dr. Pandharinath S. Gawali & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. S.O. to 23-07-2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO.568/2022
(Shivkanta J. Honwadajkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities is present.

2. Shri S.D.Joshi, learned Counsel submits that, he has instructions to appear in the present matter and he will submit his Vakalatnama in the Registry today itself.

3. S.O. to 02-08-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO.65/2024
(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri R.A.Joshi, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.1. It is taken on record. Copy thereof has been served on the other side.
3. S.O. to 12-08-2024.

MEMBER (A)
YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1067/2022
(Shivaji D. Sirsat Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri P.B.Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 & 2. It is taken on record. Learned P.O. undertakes to serve copy thereof on the other side.

3. S.O. to 22-08-2024.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO.774/2023
(Balasaheb L. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri C.D.Biradar, learned Counsel for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities is present.

2. Learned P.O. files a short affidavit in reply on behalf of respondent no.1. It is taken on record. Copy thereof be served on the other side.
3. S.O. to 28-08-2024.

MEMBER (A)
YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.170/2024
(Dnyaneshwar R. Tidke Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri Amol B. Chalak, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Learned P.O. undertakes to serve copy thereof on the other side.

3. S.O. to 26-08-2024.

MEMBER (A)
YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.198/2024
(Datta A. Dhage Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri Amol B. Chalak, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. Learned C.P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Learned C.P.O. undertakes to serve copy thereof on the other side.

3. S.O. to 26-08-2024.

MEMBER (A)
YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.269/2024
(Rahul S. Fadat & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri Amol B. Chalak, learned Counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. Learned C.P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Learned C.P.O. undertakes to serve copy thereof on the other side.

3. S.O. to 26-08-2024.

MEMBER (A)
YUK ORAL ORDER 24.06.2024

VICE CHAIRMAN

C.P.NO.40/2024 IN O.A.NO.424/2022
(Raosaheb K. Jare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities.

2. Issue notice to respondents, returnable on 21.08.2024.

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 21.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

1. ORIGINAL APPLICATION NO. 1031 OF 2023
(Dr. Pradeep M. Thakkarwad Vs. State of Maharashtra & Ors.)

2. ORIGINAL APPLICATION NO. 33 OF 2024
(Mayuresh M. Kendre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri S.S. Dambe, learned counsel for the applicant in O.A.No. 1031/2023, Shri B.R. Kedar, learned counsel for applicant in O.A.No. 33/2024 and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both these O.As., are present.

2. At the request of learned P.O., time granted to comply with the directions given in the order dated 14.06.2024. Time granted.

3. Learned P.O. is directed to communicate the order dated 14.06.2024 to the concerned respondent and seek response till the next date.

4. S.O. to 02.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 834 OF 2019
(Ravinakt R. Hadoltikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for the respondent No.2, are present.

2. This is a part heard matter.

3. Learned counsel for respondent No.2 placed on record the copy of Original Application No. 807/2017 and the communication dated 20.05.2019 referred in the order of withdrawal dated 08.07.2019 in compliance with the order passed by this Tribunal dated 12.06.2024.

4. S.O. to 26.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1068 OF 2023
(Gunaji G. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Part heard.
3. S.O. to 30.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 24.06.2024

**ORIGINAL APPLICATION NO. 1097 OF 2023
(Balchandra D. Tejinkar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 06.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO. 706 OF 2022
(Suhas T. Waghmare Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST.NO. 870 OF 2024
(Shila T. Waghmare @ Shila S. Shirse Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri P.G. Rodge, learned counsel for the applicant in O.A.No. 706/2022, Shri S.M. Kamble, learned counsel for the applicant in O.A.St.No. 870 of 2024/respondent No.4 in O.A.No. 706/2022 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As.

2. The present matters are reserved for order.

MEMBER (J)

SAS ORAL ORDER 24.06.2024

O.A. Nos. 117, 205, 396, 410, 416, 442, 453, 463, 479, 484, 542, 571, 590, 611, 613, 621, 686, 731, 594, 643 ALL OF 2015 & 2, 5, 171, 441, 258 & 519 ALL OF 2016 (Ganendrasingh B. Chandel & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant in O.A.Nos. 117/2015, 205/2015, 396/2015, 410/2015, 416/2015, 442/2015, 453/2015, 463/2015, 479/2015, 484/2015, 542/2015, 590/2015, 613/2015, 621/2015, 686/2015, 2/2016 & 171/2016, Shri H.A. Joshi, learned Advocate for the applicant in O.A. Nos. 643/2015, 258/2016 and 519/2016 and Shri D.M. Hange, learned Presenting officer for the respondent authorities in all these cases, are present.

Smt. M.A. Kulkarni, learned Advocate for the applicants in O.A. Nos. 571/15, 611/15, Shri A.M. Kulkarni, learned counsel for the applicants in O.A.No. 731/2015 & 5/16, Shri S.B. Sant, learned counsel for the applicant in O.A. No. 594/15 and Shri S.D. Dhongde, learned counsel for applicant in O.A.No. 441/2016, are **absent**.

2. At the request of learned Presenting Officer, S.O. to 15.07.2024 as a last chance for filing short affidavit.

MEMBER (J)

**M.A. 217/2024 IN TA. 09/2024 (W.P. NO. 1043/2024)
(Surendra D. Dalvi Vs. ImranKhan Ahmed Khan Pinjari & the
State of Maharashtra & Ors.)**

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant in the present M.A. and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present. Learned counsel for respondent no. 1 in M.A./applicant in T.A. (**absent**).

2. S.O. to 25.06.2024. The interim relief granted in T.A. to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 439/2024
(Dinesh J. Khonde Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Ahbijit Namde, learned counsel for respondent no. 02.

2. Arguments of both the sides are concluded. The matter is closed for orders.

MEMBER (A)

VICE CHAIRMAN

**O.A. NO. 447/2022 WITH M.A.ST.NO. 2166/2023 WITH
M.A.NO. 542/2022 WITH M.A.NO. 261/2022 WITH
M.A.NO. 257/2022
(Dr. Sanjay Kumarrao Muley & Ors. Vs. State of Mah. &
Ors.**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 24.06.2024

ORAL ORDER :

Shri Mohit R. Deshmukh, learned counsel for the applicants in M.A.ST. 2166/2023, Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants in M.A. No. 542/2022 and Shri V.R Bhumkar, learned Presenting Officer for the respondent authorities, Shri S.B. Bhosale, learned counsel for the applicants in M.A. Nos. 261 & 257 both of 2022, Shri S.K. Kadam, learned counsel for respondent No. 2 in O.A., are present.

Shri Satyajeet S. Dixit/Shri V. Sajith Kumar, learned counsel for respondent No. 3 in O.A., is **absent**.

2. Arguments of both the sides are concluded. The matter is closed for orders. The interim relief to continue till then.

MEMBER (A)

VICE CHAIRMAN

**M.A. No. 551/2023 in O.A. St. No. 2307/2023
(Seema V. Chawriya Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

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

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

3. S.O. to 08.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 940 OF 2019
(Ashok D. Phadnis Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 01.07.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 157 OF 2022
(Ravindra P. Bahadare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 01.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 464 OF 2024
(Ankush C. Gavalwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri Moinpasha Shaikh Farid, learned counsel holding for Shri Kanade A.L., learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 09.08.2024.

MEMBER (J)

KPB ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO. 418 OF 2024
(Sainath N. Panchal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri B.P. Gonare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present. Shri U.B. Deshmukh, learned counsel for respondent No. 4, is **absent**.

2. At the request of learned Presenting Officer, S.O. to 08.07.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 295 OF 2022
(Bhagwat K. Mane Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant do not want to file rejoinder affidavit.

3. List the matter for admission hearing on 07.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 708 OF 2023
(Kapurchand F. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present. Shri M.P. Gude, learned counsel for respondent No. 3, is **absent**.

2. Even though the last chance is granted, no affidavit in reply on behalf of respondent Nos. 1 to 3 has been filed.

3. List the matter for admission hearing on 08.08.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

**O.A. No. 1119/2023 with Caveat No. 40/2023
(Dr. Milind V. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri R.S. Pawar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri J.B. Choudhary, learned counsel for respondent No. 5, are present.

2. At the request of learned counsel for respondent No. 4, S.O. to 25.06.2024 for hearing in **urgent admission category.**

MEMBER (J)

KPB ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO. 631 OF 2021
(Shamsunder K. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present. Shri V.C. Solshe, learned counsel for respondent Nos. 2 and 3, is **absent**.

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

3. S.O. to 09.08.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 102 OF 2021
(Sangram U. Rathod Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 08.07.2024 for filing amendment application.

MEMBER (J)

**ORIGINAL APPLICATION NO. 156 OF 2021
(Jayshree A. Sonwane Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 08.07.2024 for filing amendment application.

MEMBER (J)

O.A. No. 570/2024 with O.A. No. 571/2024
(Pranjal P. Patil and Navnath P. Sonawane Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicants in both the O.As. and Shri Ajay Deshpande, learned Special Counsel for respondent authorities in both the O.As., are present.

2. Learned Special Counsel submits that during the course of the day affidavit in reply will be filed.

3. Learned counsel for the applicants submits that the special counsel has served the copy of the affidavit in reply and the rejoinder affidavit is ready and the same will be filed during the course of the day.

4. In view of above, list the matters for admission hearing on 27.06.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 230 OF 2024
(Dinkar V. Patil Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.07.2024 for hearing.

MEMBER (J)

**M.A. No. 143/2024 in O.A. St. No. 844/2024
(Sushil M. Giri Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri S.N. Suryawanshi, learned counsel holding for Shri Kailas B. Jadhav, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 12.08.2024.

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 12.08.2024.

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

MEMBER (J)

M.A. No. 223/2024 in O.A. St. No. 1231/2024
(Vaishnavi V. Dhauskar & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The applicants are the mother and son of deceased Government employee and the applicant No. 2 after attaining the age of majority has filed an application seeking appointment on compassionate ground.

3. In view of the same and for the reasons stated in the application, the M.A. No. 223/2024 is hereby allowed and the applicants are permitted to sue jointly O.A. as filed by them, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. No. 223/2024 stands disposed of accordingly. No order as to costs.

MEMBER (J)

O.A. St. No. 1231/2024

(Vaishnavi V. Dhauskar & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 14.08.2024.

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

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

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. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 14.08.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 598 OF 2024
(Archana B. Jagtap Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri V.S. Kadam, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Even though the circulation is sought, none present for the applicant.

3. As none present for the applicant, S.O. to 16.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 224 OF 2024
(Subhash B. Selukar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 and 5. Same is taken on record and copy thereof is given to learned counsel for the applicants.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 08.08.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 571 OF 2020
(Madhukar R. Mapari Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that during the course of the day written notes of arguments will be filed.
3. It is a part heard matter. S.O. to 08.07.2024 for further hearing.

MEMBER (J)

**M.A. No. 355/2022 in O.A. St. No. 1318/2022
(Dileep B. Phatangare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present. Shri I.D. Narwade, learned counsel for respondent No. 4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 01.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 24.06.2024

**ORIGINAL APPLICATION NO. 576 OF 2021
(Atmaram M. Raut Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 02.08.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions submits that during pendency of the present Original Application, the applicant came to be retired on attaining the age of superannuation.

3. Learned Presenting Officer submits a copy of communication dated 21.05.2024 received from respondent No. 2 i.e. S.P., Dhule. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that the applicant, who is at Sr. No. 2, came to be retired on 31.05.2024.

4. In view of the same, nothing survives for further consideration in the present Original Application. The Original Application has become infructuous and the same is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 54 OF 2023
(Sayyad Shafi Sayyad Lal & ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities for some time.

2. Learned Presenting Officer is directed to take specific instructions from the concerned respondent/s about the present status of the proposal submitted by respondent No. 3 dated 15.06.2023, 06.12.2023 and 21.03.2024 to respondent Nos. 2 and 1 respectively marked as Exhibit R-1 collectively along with the additional affidavit in reply filed on behalf of respondent No. 4.

3. S.O. to 02.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 88 OF 2023
(Dr. Sachin V. Nawale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 08.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 24.06.2024

**ORIGINAL APPLICATION NO. 133 OF 2023
(Ramesh S. Mali Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Pert Heard.

3. By consent, S.O. to 15.07.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri P.B. Umrani, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer seeks time to place before this Tribunal the original record and proceedings as directed. Time granted.

3. S.O. to 25.07.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 799 OF 2023
(Sheetal N. Ebitwar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. In compliance with the order dated 03.05.2024, learned Presenting Officer submits that the record is now received. Learned P.O. thus seeks time to go through the said record and the same will also be shown to the learned counsel for the applicant, if so required.

3. S.O. to 04.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 498 OF 2023
(Ratnakala M. Mohite Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Even though the status of notice on respondent No. 5 is shown as await service, however, in terms of the oral directions issued by this Tribunal, learned Presenting Officer has taken instructions from the newly added respondent No. 5 i.e. the Accountant General (A&E), Nagpur.

3. Learned Presenting Officer submits that by communication dated 13.06.2024, the Sr. Accounts Officer, Accountant General (A & E)-II, Nagpur has directed to the Administrative Officer, Health and Family Welfare Training Centre, Aurangabad to draw the provisional pension to the tune of Rs. 43,800/- p.m. to Smt. Ratnakala Martandrao Mohite (the

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O.A. No. 498/2023

applicant herein) from 01.02.2024 till finalization of Departmental Enquiry / Judicial Enquiry. Learned P.O. has placed on the record the said communication and also placed on record the calculation of total amount of provisional pension approximately to the tune of Rs. 17,32,728/-, which covers the period from 01.02.2022 to 31.05.2024. Learned Presenting Officer submits that the applicant will be paid the total provisional pension as per the calculation as stated about positively within a period of two weeks from the date of this order. The said communication and calculation sheet are taken on record and marked as document 'X' collectively for identification.

4. Smt. Swati Gote, Administrative Officer, Health and Family Welfare Training Centre, Aurangabad is present in person and instructed learned Presenting Officer accordingly.

5. Learned Presenting Officer submits that the applicant has been paid the G.P.F. and G.I.S. amount and the leave encashment amount, gratuity and final pension has not been paid to the applicant.

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O.A. No. 498/2023

6. Learned counsel for the applicant seeks time to take specific instructions in this regard. Time granted.

7. Learned Presenting Officer also seeks time to file detailed affidavit in reply. Time granted.

8. S.O. to 02.08.2024.

MEMBER (J)

KPB ORAL ORDER 24.06.2024

ORIGINAL APPLICATION NO. 623 OF 2023
(Tausif Ali Ahaukat Ali and Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 624 OF 2023
(Sheshrao S. Garole and Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 625 OF 2023
(Sambhaji N. Honrao and Ors. Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 626 OF 2023
(Shankar L. Devkar and Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 24.06.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh along with S/shri Vivek Rathod, S.S. Kulkarni, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As.

2. The present Original Applications are disposed of finally with the consent of both the sides.

3. Learned counsel appearing for the applicants in all these Original Applications submits that the applicants in their respective Original Applications have submitted representations on various dates to the respondents to grant them second and third time bound pay scale as per the policy decision taken by the Government in terms of the G.Rs. dated 01.04.2010 and 02.03.2019 respectively. Learned

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counsel submits that even in the affidavit in reply filed on behalf of respondent Nos. 2 and 3 it is admitted that the applicants have submitted various representations before the respondents and the same are yet to be decided. Learned counsel thus submits that the purpose of filing of the present Original Applications will be served to some extent, if the directions are given to the respondents to decide the said representations in time bound manner.

4. Learned Presenting Officer submits that the respondents may be granted liberty to decide the said representations on its own merits.

5. On perusal of the Original Application, it appears that after issuance of the G.R. dated 02.03.2019 in this regard, the applicants have filed representations right from the year 2021 till filing of the present Original Applications. However, no decision has been taken on those representations. Even the respondent Nos. 2 and 3 have also accepted the same in their affidavit in reply.

6. In view of the same, all these Original Applications can be disposed of by directing the

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respondents to decide the said representations in terms of G.Rs. dated 01.04.2010 and 02.03.2019 respectively in a time bound manner on its own merits. Hence, the following order :-

ORDER

- (i) The Original Application Nos. 623/2023, 624/2023, 625/2023 & 626/2023 are hereby partly allowed.
- (ii) The respondents are hereby directed to decide the applications / representations submitted on different dates by the applicants in terms of G.Rs dated 01.04.2010 and 02.03.2019 as expeditiously as possible and preferably within a period of four months from the date of this order on its own merits.
- (iii) It is needless to say that in case, any adverse order is passed in connection with those applications / representations, the applicants would be at liberty to approach this Tribunal again.

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- (iv) The Original Applications are accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 24.06.2024