

M.A. NO. 516/2019 IN O.A. ST. 2083/2019
(Rekhabai W/o Chunilal Bahiram Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 24.6.2021

O R D E R

1. By this Misc. Application the applicant is seeking condonation of delay of about 191 days caused in filing the accompanying Original Application challenging the order dated 6.4.2018 issued by the respondent No. 2 i.e. the Superintendent of Police, Nandurbar denying the appointment to the applicant on compassionate grounds.

2. Father of the applicant was serving with the respondent No. 2. He expired on 12.5.2020 in an accident, while in service. Initially the applicant's sister namely Anita sought appointment on compassionate ground. Her name was at sr. No. 1 in the waiting list maintained by the respondent of appointment seekers on compassionate ground. She was not given appointment on compassionate ground for a long time. Thereafter the applicant on 16.6.2014 placed all the facts and circumstances on record and sought appointment on compassionate ground for herself. The applicant's mother namely Smt. Ilubai Chunilal Bahiram by the impugned letter dated 6.4.2018 was informed by the respondent no. 2 that name of the applicant cannot be taken on the waiting list as her sister namely Smt. Anita was already considered for appointment on compassionate ground. However, In the said

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communication it is also mentioned that there is no provision for substitution of name of compassionate appointment seeker.

3. The applicant's mother is suffering from paralysis and was residing at Nawa Pada, Tq. Sakri, Dist. Dhule and therefore she could not contact the applicant and informed about the said impugned communication issued by the respondent no. 2, to the applicant, immediately. The applicant came to know about the said impugned communication dated 6.4.2018 between 25.5.2018 to 1.6.2018 when she appeared for her examination of B.A. in the month of May, 2018 itself. The applicant's husband, who was working as a Teacher, was transferred from Dhule to Kumbhare, Tq. Sindkheda. Hence, in the month of June, 2018 the applicant was busy in shifting their belongings. Thereafter the applicant was busy with admission of her children to the school at the transferred place of her husband. In September, 2018, the applicant's husband met with an accident and was seriously injured. Thereafter the applicant was busy with the examinations of her children. In view of the same the applicant could not file the accompanying O.A. in time and delay is caused in filing the same. The delay is not deliberate and intentional. The applicant has a good case on merits. Hence, the applicant has filed the present M.A. for condonation of

delay of about 191 days caused in filing the accompanying O.A. before this Tribunal.

4. Affidavit in reply is filed on behalf of the respondent no. 2 in the present M.A. At the outset, it is stated that there is no provision for substitution of name of beneficiary for appointment on compassionate ground. The applicant's sister namely Smt. Anita was on the waiting list at sr. no. 1 and the respondents were in the process of issuing appointment order in her favour, but the applicant and her family did not wait and the applicant made an application for substitution of name of her sister Smt. Anita with that of applicant, which is not permissible. The reasons stated by the applicant for condonation of delay caused in filing the accompanying O.A. are afterthought and delay is not properly explained. Hence, the present M.A. is liable to be dismissed.

5. Heard Shri Bipinchandra K. Patil, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, at length.

6. The order refusing the appointment on compassionate ground is dated 6.4.2018. It is addressed to the mother of the applicant namely Smt. Ilubai Chunilal Bahiram. The applicant is a married daughter of Smt. Ilubai. The applicant is residing with her husband and her

children at the place of posting of her husband. The medical certificate produced on record at paper book page 27 would show that the applicant's mother Smt. Ilubai Chunilal Bahiram is suffering from paralysis and therefore, it is believable that the applicant could not get the information about the impugned letter immediately.

7. The accompanying O.A. along with present M.A. for condonation of delay is presented before this Tribunal on 14.10.2019. As per section 21 of the Administrative Tribunals Act, 1985 the O.A. challenging the order dated 6.4.2018 ought to have been filed by the applicant by 5.4.2019. However, the O.A. is filed on 14.10.2019 and thus, there is delay of about 191 days in filing the same. The applicant has to explain the delay from 6.4.2019 to 14.10.2019. The reasons of shifting of belongings from Dhule to village Kumbhare, Tq. Sindkheda and admission of children of the applicant are belonging to the period prior to 5.4.2019 and therefore could not be of much relevance.

8. In para 5 of the present M.A., the applicant has stated about her difficulties of coming at Aurangabad from the place of posting of her husband due to family difficulties, which are required to be considered.

9. The respondents have challenged the maintainability of the O.A. contending that there is no provision for

substitution of name of one family member with another family member and that is the merit of the matter and that can be considered at the time of hearing of the O.A., if it is registered. It is settled principle of law that the expression “sufficient cause” is to be construed liberally.

10. From the facts and circumstances of the present case, it cannot be said that delay caused by the applicant in approaching the Tribunal is intentional or deliberate. Thereby the applicant had nothing to gain. In view of the same, in my opinion, the present case is a fit case to condone the delay of about 191 days caused in filing the O.A. by considering the reasons liberally. The applicant is seeking relief of appointment on compassionate ground. The said relief sought for cannot be detrimental to any other Government servant. It is to be decided on its own merit. In view of the same, in my opinion, it would be just and proper to give fair opportunity to the applicant in the O.A. Hence, I proceed to pass the following order: -

ORDER

M.A. No. 516/2019 is allowed. Delay of about 191 days caused in filing accompanying O.A. is hereby condoned. The office is directed to register the accompanying O.A. in accordance with law by taking into consideration other office objections, if any.

There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 154 OF 2021
(Surendra H. Gandam Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the applicant is due to retire on 31.06.2021. He seeks amendment in prayer clause 9(B) at paper book page No. 17 of the O.A. thereby he wants to seek promotion through Open Category instead of SBC category as mentioned in the said prayer as well as in ground 5(d) of the O.A. In our opinion, if such amendment is granted, no prejudice will be caused to the other side.

3. Permission is granted to the applicant to amend the O.A. The applicant shall amend the O.A. within a period of one week.

4. Learned Advocate for the applicant further submits that four review applications are pending before the respondents and directions can be given to the respondents to dispose of the said review

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applications within a period of one month by giving fair opportunity of hearing to the applicant.

5. On that the learned Chief Presenting Officer has placed on record a copy of communication dated 15.06.2021, whereby it is stated that hearing of the review applications was fixed on 17.06.2021. Learned C.P.O. submits that hearing of the Review Applications has been taken place on the said date i.e. on 17.06.2021. In view of this it can be said that respondents are taking due care of the review applications made by the applicant and as such, at this stage it is not necessary to grant ad-interim relief as prayed for by the applicant.

6. Issue notices to the respondents, returnable on 22.07.2021.

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

8. 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

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the case would be taken up for final disposal at the stage of admission hearing.

9. 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.

10. 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.

11. S.O. to 22.07.2021.

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

MEMBER (A)

KPB ORAL ORDERS 24.06.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 273 OF 2021
(Shri Nagorao W. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri M.B. Sandanshiv, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. The present O.A. is filed for seeking direction against the respondents to continue the process of recruitment as per schedule mentioned in letter dated 25.05.2021, Exhibit-K at paper book page No. 68 in respect of post of Laboratory Scientific Officer. He submits that during pendency of the present O.A., appointments are given. In view of the same, instead of amendment in the O.A., he is seeking permission to withdraw the same with liberty to file fresh O.A. on fresh cause of action.

3. In view of this, we have no difficulty in granting permission to the applicant to withdraw the present O.A. Permission to withdraw the present O.A. is granted. Accordingly the O.A. stands disposed of as withdrawn with liberty to the applicant to file fresh O.A. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

C.P. No. 61/2019 in O.A. No. 533/2015
(Shri Shivaji P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. Learned Presenting Officer has placed on record a copy of communication dated 18.03.2020 received from the respondent No. 2 i.e. the Collector, Hingoli in respect of the subject matter of order dated 27.02.2019 passed in O.A. No. 533/2015. Same is taken on record and marked as documents 'X' for the purpose of identification. He submits that he will file affidavit in reply based on this communication.

3. In the facts and circumstances, time is granted for filing affidavit in reply.

4. S.O. to 22.07.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 11/2021 in O.A. No. 558/2020
(Vithal T. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. In the facts and circumstances of the case, in view of the letter dated 06.04.2021 addressed by the respondent No. 3 to the learned Advocate for the applicant, issue notice to the respondent No. 3 i.e. the Joint Director, Mumbai, returnable on 23.07.2021.

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

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

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C.P. 11/2021 in
O.A. 558/2020

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 23.07.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

KPB ORAL ORDERS 24.06.2021

MEMBER (J)

C.P. 43/2019 in M.A. 97/2012 in O.A. 817/2011
(Dharampal U. Dethe Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos. 1 & 2 and Shri D.T. Devane, learned Advocate for respondent No. 3.

2. Learned Advocate for respondent No. 3 seeks time for filing affidavit in reply. Time granted.

3. S.O. to 27.07.2021.

MEMBER (A)

KPB ORAL ORDERS 24.06.2021

MEMBER (J)

C.P. 20/2019 in M.A. 97/2012 in O.A. 817/2011
(Shivaji V. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos. 1 & 2 and Shri S.B. Mene, learned Advocate for respondent No. 3.

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2 & 3 separately.

3. Learned Advocate for the applicant submits that recently he came to know that the applicant is no more. In view of the same, he would like to take necessary steps.

4. S.O. to 27.07.2021.

MEMBER (A)

KPB ORAL ORDERS 24.06.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 872 OF 2018
(Shri Arun M. Gir Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. The query raised by the learned predecessor D.B. is of jurisdiction and issuance of notices. Hence, the learned Advocate for the applicant addressed the Bench accordingly.

3. S.O. to 28.07.2021.

MEMBER (A)
KPB ORAL ORDERS 24.06.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 464 OF 2019
(Shri Dayanand F. Gange Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. Record shows that affidavit in reply on behalf of respondent Nos. 1 to 3 is on record and the matter was posted for filing rejoinder affidavit.
3. Learned Advocate for the applicant seeks time for filing rejoinder affidavit. Time granted.
4. S.O. to 23.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 833 OF 2019
(Shri Komal 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 : 24.06.2021.

ORAL ORDER :

Heard Shri P.M. Nagargoje, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the Respondent Nos. 1 & 2 and Shri C.D. Biradar, learned Advocate holding for Shri N.L. Choudhary, learned Advocate for respondent No. 3.

2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 1 & 2.

3. On 08.06.2021 i.e. on earlier date learned Advocate appeared on behalf of respondent No. 3 and sought time for filing affidavit in reply. It is reported that learned Advocate Shri N.L. Choudhary, for respondent No. 3 filed leave note on record. Learned Advocate Shri C.D. Biradar, holding for Shri N.L. Choudhary submits that affidavit in reply is not ready and therefore, seeks time to file the same.

4. In the facts and circumstances, time is granted for filing affidavit in reply of respondent No. 3.

5. S.O. to 09.07.2021.

MEMBER (A)
KPB ORAL ORDERS 24.06.2021

MEMBER (J)

ORIGINAL APPLICATION NO. 532 OF 2019
(Dr. Ravi R. Kulkarni & Anr. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 262 OF 2018
(Dr. Sanjiv K. Munde Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 266 OF 2018
(Dr. Sandeep J. Kala Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021.

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicants in all these O.As. and S/shri B.S. Deokar, I.S. Thorat & Smt. Deepali S. Deshpande, learned Presenting Officers for the respective Respondents in respective O.As.

2. Arguments are heard at length. The present matters are closed for orders.

MEMBER (A)
KPB ORAL ORDERS 24.06.2021

MEMBER (J)

ORIGINAL APPLICATION NO.95/2021
(Nitin Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021

ORAL ORDER :

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

2. Learned P.O. seeks further time for filing affidavit in reply on behalf of the respondents.

3. Record shows that by order dated 03-06-2021 last chance was granted to the respondents to file reply.

4. Today, learned P.O. files on record communication dated 24-06-2021 received from the respondent no.2 Superintendent of Police, Ahmednagar seeking time. In the interest of justice a short time is granted for filing affidavit in reply.

5. S.O. to 14-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.123/2021
(Gaurishankar Swami Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021

ORAL ORDER :

Heard Shri K.G.Salunke, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. Matter is already part heard.

3. At the request of both the parties, case is adjourned till **30-06-2021**.

MEMBER (J)

ORIGINAL APPLICATION NO.334/2019
(Goraba Aaradwad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply is already filed on behalf of respondent nos.2 and 3.

3. S.O. to 14-07-2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.892/2019
(Nagnath Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021

ORAL ORDER :

Heard Shri I.D.Maniyar, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is already filed on behalf of respondents.

3. S.O. to 15-07-2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.44/2020
(Asha Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021

ORAL ORDER :

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

2. Learned P.O. seeks short time for filing a short affidavit for placing on record status of correct vacancies in respect of appointment on compassionate ground.

3. S.O. 08-07-2021.

MEMBER (J)

ORIGINAL APPLICATION NO.97/2020
(Tukaram Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 24.06.2021

ORAL ORDER :

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

2. Record shows that the affidavit in reply is already filed on behalf of respondent nos.2 and 3. The matter is already admitted and fixed for hearing.

3. Learned Advocate for the applicant seeks time for filing affidavit in rejoinder. Time is granted.

4. S.O. to 20-07-2021 for filing rejoinder.

MEMBER (J)

**ORIGINAL APPLICATION NO. 654 OF 2013
(Dr. Amol S. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 24.6.2021

ORAL ORDER :

Heard Ms. Surekha Mahajan, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that the Original Application is fixed for final hearing. Today, learned Advocate for the applicant placed on record some documents, post impugned order of termination dated 15.7.2012. The copies of the same are taken on record.

3. In view of the above, learned Presenting Officer seeks time for seeking instructions. Time granted.

4. S.O. to 22.07.2021.

MEMBER (A)

MEMBER (J)

**M.A. NO. 369/2019 IN O.A.ST.NO. 1471/2019
(Somnath A. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 24.6.2021

ORAL ORDER :

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

2. The present case is heard at length and reserved for orders.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.6.2021-HDD

ORIGINAL APPLICATION NO. 78 OF 2021
(Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)

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

DATE : 24.6.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 and Shri C.D. Biradar, learned Advocate for respondent No. 2.

2. Record shows that the affidavit in reply is filed on behalf of respondent No. 2 and it is wrongly nomenclatured that it is filed on behalf of respondent Nos. 1 & 2.

3. Learned Advocate for the applicant submits that he has received the copy of affidavit in reply filed on behalf of respondent No. 2 today itself.

4. In view of the above, learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No.

1. Learned Advocate for the applicant also seeks time to file rejoinder affidavit, if any. Time granted.

5. S.O. to 16.07.2021.

MEMBER (A)

MEMBER (J)

C.P. No. 12/2019 IN O.A.NO. 415/2017
(Babasaheb E. Jakate Vs. State of Maharashtra & Ors.)

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

DATE : 24.6.2021

ORAL ORDER :

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

2. The present contempt petition is out of order dated 7.4.2018 passed by this Tribunal in O.A. No. 415/2017. By the said order the O.A. was disposed of with the direction to the respondent No. 1 to take decision on the proposal sent by the respondent No. 2 for extending benefits in view of Rule 54 of Maharashtra Civil Services (Pension) Rules, 1982 and grant pensionary benefits to the applicant within a period of three months from the date of that order and communicate the decision therein to the applicant in writing. According to the applicant, the said order was not complied with by the respondents. Hence, the applicant compelled to file the present contempt petition.

3. Today, learned Chief Presenting Officer has placed on record a copy of communication dated 23.04.2019 addressed to the applicant by respondent No. 3, District

Collector, Beed. It is taken on record and marked as document 'X' for the purpose of identification.

4. As per the aforesaid communication dated 23.04.2019 the benefits to the applicant are refused. In view of the same, learned Presenting Officer submits that the order in question is complied with.

5. Learned Advocate for the applicant on that submits that he would take necessary steps and exercise his right to challenge the said communication of respondent No. 2 dated 23.04.2019. In view of the same, learned Advocate for the applicant seeks permission to withdraw the present contempt petition. Permission as sought for is granted.

6. Accordingly, the present contempt petition stands dismissed as withdrawn without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 285 OF 2021
(Hemant S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 24.6.2021

ORAL ORDER :

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

2. Learned Chief Presenting Officer submits that as per the order dated 22.06.2021 passed by this Tribunal he has sought instructions as regards the status as to whether the applicant has been relieved from his post or not. In this regard he placed on record the copy of communication dated 22.06.2021. As per the said communication dated 22.06.2021 the applicant has been relieved from his present post of Shirpur City Police Station. Thereafter, the applicant has been proceeded on sick leave.

3. At the request of learned Advocate for the applicant, S.O. to tomorrow i.e. on 25.06.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 259 OF 2020
(Panchamlal L. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 24.6.2021

ORAL ORDER :

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

2. Record shows that initially respondent No. 1 filed affidavit in reply. Thereafter, as per order dated 18.02.2021 passed by this Tribunal further affidavit in reply is filed by the respondent No. 1.

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

4. Considering the facts and circumstances, the present O.A. is kept for hearing at the stage of admission itself.

5. S.O. to 12.07.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 263 OF 2020
(Ravindra M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 24.6.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant has filed rejoinder affidavit and the same is taken on record and copy thereof has been served on the learned Presenting Officer for the respondents.

4. Considering the facts and circumstances, the present O.A. is kept for hearing at the stage of admission itself.

5. S.O. to 13.07.2021.

MEMBER (J)

ORAL ORDERS 24.6.2021-HDD

**ORIGINAL APPLICATION NO. 83 OF 2021
(Ashok R. Tonde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 24.6.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondents, S.O. to 19.07.2021 for enabling him to file affidavit in reply on behalf of the respondents.

MEMBER (J)

ORAL ORDERS 24.6.2021-HDD

Date : 24.06.2021

ORIGINAL APPLICATION NO. 262/2021

(Kamlakar P. Mahale V/s State of Maharashtra & Ors.)

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

1. Smt. Suchita Dhongde, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 16.7.2021. The case be listed for admission hearing on 16.7.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR