

ORIGINAL APPLICATION NO.491/2023
(Devidas T. Patil Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 24.07.2024

ORAL ORDER :

Shri S.D.Joshi, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicant submits that one of the co-delinquents in the enquiry conducted against the present applicant, who was inflected with heavier punishment than the present applicant, has been given relief by the Hon'ble Minister in the appeal filed by the said co-delinquent. Learned Counsel submits that the said order has become available to the applicant and same is to be placed on record. Learned Counsel submits that the copy received to the applicant is too faint to place on record and he wants some time to place on record the readable copy of it. One week's time is sought for the same. Granted.

3. S.O. to 06-08-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.770/2024
(Jitendra P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Joslyn Anthony Menezes, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 06.09.2024.

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 06.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 24.07.2024

M.A.NO.357/2023 IN O.A.NO.06/2023
(State of Maharashtra & Ors. V/s. Pandurang G. Lomole)

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

DATE : 24.07.2024

ORAL ORDER :

Shri V.G.Pingle, learned Presenting Officer for the applicants in M.A./respondent authorities in O.A. and Shri V.B.Wagh, learned counsel for the applicant in O.A./respondent in M.A., are present.

2. S.O. to 06-08-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 24.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 772 OF 2024
(Savita w/o. Jagdish Enkanwar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri S.B. Patil, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 07.08.2024.
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.

//2// O.A.No. 772/2024

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 07.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 24.07.2024

ORIGINAL APPLICATION NO. 773 OF 2024
(Pawan Kisanrao Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 31.07.2024.

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.

//2// O.A.No. 773/2024

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 31.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 24.07.2024

M.A.NO. 194/2022 IN O.A.ST.NO. 616/2022
(Sunil D. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 31.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 24.07.2024

M.A.NO. 574/2023 IN O.A.ST.NO. 2363/2023
(Mira G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri D.B. Pawar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. There is a delay of 1 month and 15 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the husband of the applicant was working as Telegrapher. He was retired from service on attaining the age of superannuation in the year 2014 and died on 28.11.2022. Though the other retiral benefits have been paid to him after his retirement, however, G.P.F. amount was paid to him lastly in the month of October, 2023.

4. Learned counsel for the applicant submits that the husband of the applicant has submitted several representations, however the respondent authorities have not paid the said amount. Learned counsel for

//2// M.A. 574/2023 in
O.A.St. 2363/2023

the applicant submits that because of death of the husband of the applicant, the applicant could not approach this Tribunal within time. The delay is not intentional or deliberate and it may be condoned.

5. Learned Presenting Officer submits that in fact there is a delay of 8 years in filing the Original Application since the husband of the applicant came to be retired in the year 2014 and the delay is required to be counted from that date. There is an inordinate delay for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that there is no substance in the Misc. Application and the same is liable to be rejected.

6. It appears that though the husband of the applicant was paid all other retiral benefits, the G.P.F. amount was paid as delayed as in the month of October, 2023 i.e. after 10 months from the date of death of husband of the applicant. The husband of the applicant has filed several representations i.e. 07.04.2015, 12.01.2016, 15.12.2016, 06.06.2017, 02.03.2018, 04.10.2019, 12.12.2020 and

//3// M.A. 574/2023 in
O.A.St. 2363/2023

18.10.2021, however, respondent authorities have not considered the same.

7. It is logical that the delay is counted from the date of receipt of actual G.P.F. amount, which was in fact due on the date when the applicant came to be retired. There is no intentional or deliberate delay as such. There is no negligence or inaction on the part of the applicant or her husband. Thus considering the entire aspect of the application, I am inclined to condone the delay subject to some costs. I compute the costs of Rs. 200/- (Two Hundred only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 574/2023 is allowed in following terms:-

- (A) The delay of 1 month and 15 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 200/- (Two Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the

//4// M.A. 574/2023 in
O.A.St. 2363/2023

applicant shall produce the receipt before the office of this Tribunal.

- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 2363/2023
(Mira G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri D.B. Pawar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 19.09.2024.

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.

//2// O.A.St.No. 2363/2023

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 19.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 24.07.2024

M.A.NO. 256/2024 IN O.A.NO. 158/2024
(Sandip K. Kiratwad Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 20.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 24.07.2024

M.A.NO. 260/2024 IN O.A.NO. 1048/2019
(Ramchandra L. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 to 4.

2. By filing this Misc. Application the applicant is seeking restoration of O.A.No. 1048 of 2019, which came to be dismissed in default on 31.01.2024. There is a delay of 3 months and 10 days in filing this Misc. Application.

3. Learned counsel for the applicant submits that due to oversight of the advocate of the applicant, the matter could not be marked, which was listed on the board on 31.01.2024 and thus remained absent on the said date. The absence of the applicant is not intentional or deliberate.

//2// M.A. 260/2024 in
O.A. 1048/2019

4. In view of same and for the reasons stated in the application, the Misc. Application deserves to be allowed. Hence, the following order:-

ORDER

The Misc. Application No. 260/2024 is allowed in following terms:-

- (A) The order dated 31.01.2024 passed by this Tribunal in O.A.No. 1048/2019 is hereby recalled.
- (B) The delay of 3 months and 10 days caused in filing this Misc. Application is hereby condoned subject to costs of Rs. 100/- (One Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.
- (C) Upon satisfaction of the costs as above, the O.A.No. 1048/2019 be restored to its file.
- (D) The Misc. Application No. 260/2024 is accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION NO. 1048 OF 2019
(Ramchandra L. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri K.M. Nagarkar, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 to 4.

2. Learned counsel for the applicant submits the copy of office order No.02/209/2022. The same is taken on record and marked as document 'X' for the purpose of identification. The same is about the fixation of pay in terms of equal pay for equal work.

3. By order dated 27.12.2022 the respondent Nos. 3 & 4 have carried out the fixation of pay by keeping in mind the settled principles and accordingly, forwarded the proposal to respondent No.2 and the respondent No.2 has forwarded the said proposal to respondent No.1 by communication dated 01.06.2023. Learned counsel for the applicant

//2// O.A. 1048/2019

has placed the said communication dated 01.06.2023 before this Tribunal today itself.

4. Learned counsel appearing for respondent Nos. 2 to 4 has also not disputed the said fact.

5. Learned counsel for the applicant submits that if directions are given to respondent No.1 to decide the said proposal in time bound manner, the purpose of filing of this Original Application will be fulfilled.

6. Learned counsel appearing for respondent Nos. 2 to 4 submits that if the directions are given to decide the said proposal within six months from the date of this order, the purpose will be served.

7. Learned Presenting Officer has adopted the submission made on behalf of respondent Nos. 2 to 4.

8. In view of above submissions, the following order is passed:-

ORDER

(A) The Original Application is hereby partly allowed.

//3// O.A. 1048/2019

- (B) The respondent No.1 is hereby directed to decide the proposal dated 01.06.2023 forwarded to him by the respondent No. 2 within a period of six months from the date of this order.
- (C) In the circumstances, there shall be no order as to costs.
- (D) The Original Application is accordingly disposed of.

MEMBER (J)

M.A.NO. 301/2024 IN O.A.NO. 131/2023
(The State of Maharashtra & Ors. Vs. Chhaya P. Sulakhe)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri D.M. Hange, learned P.O. for the applicants in M.A./original respondents in O.A., Smt. Suchita Dhongde, learned counsel for the applicant in O.A./respondent in M.A. and Shri S.B. Mene, learned counsel for respondent No.6 in O.A.No. 131/2023.

2. Learned counsel for the original applicant submits that she did not receive the copy of Misc. Application No. 301/2024.

3. Learned Presenting Officer has given the copy of Misc. Application to the learned counsel for original applicant before this Tribunal today itself.

4. Learned counsel for the original applicant seeks time to file reply. Time granted.

5. S.O. to 07.08.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 502 OF 2017
(Public Prosecutors Association, Maharashtra State,
Through its President & Vice President Vs. State of
Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 20.09.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 994 OF 2022
(Sharad S. Borse Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

Shri R.G. Tupe, learned counsel holding for Shri R.O. Awasarmol, 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 18.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 24.07.2024

ORIGINAL APPLICATION NO. 1020 OF 2022
(Ramesh S. Surung Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri R.G. Tupe, learned counsel holding for Shri R.O. Awasarmol, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.K. Chavan, learned counsel for respondent No.2, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.09.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 866 OF 2023
(Nana P. Ingle Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

Shri Anand S. Deshpande, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 06.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 770 OF 2023
(Deepak R. Wadkute Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri S.S. Ware, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits the affidavit in rejoinder. The same is taken on record and copy thereof is given to learned P.O.

3. Pleadings completed. List the matter for admission hearing on 03.09.2024.

MEMBER (J)

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

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

DATE : 24.07.2024

ORAL ORDER :

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

2. I have heard learned counsel for the applicant and learned P.O. for the respondent authorities for some time.

3. Learned counsel for the applicant has placed his reliance on the communication dated 18.06.1998 placed before this Tribunal today.

4. Learned P.O. seeks time to take instructions in respect of said communication. Time granted.

5. S.O. to 07.08.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 174 OF 2017
(Dr. Madhav F. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

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 Presenting Officer, S.O. to 31.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 24.07.2024

ORIGINAL APPLICATION NO. 105 OF 2024
(Radhakisan N. Pokharkar & Ors. Vs. State of Maharashtra
& Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent Nos. 3 & 4, are present.

2. Learned P.O. submits that the respondent State would adopt the affidavit in reply filed on behalf of respondent Nos. 3 & 4.

3. In view of above, list the matter for filing affidavit in rejoinder, if any and for admission hearing on 13.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 307 OF 2023
(Sarika B. Wandhekar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

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

2. The present matter is not on board. At the request of learned counsel for the applicant it is taken on board.

3. Learned counsel for the applicant is seeking extension of time to carry out amendment. Time granted.

4. The applicant to carry out amendment on or before the next date of hearing i.e. 07.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 150 OF 2024
(Amina Begum Maheboob Shaikh Vs. State of Maharashtra
& Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No.5. The same is taken on record and copy thereof is given to other side.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 4. Time granted.

4. S.O. to 20.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 538 OF 2024
(Digambar B. Pandule Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Suhas Urgunde, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 5 along with spare copy for the other side. The same is taken on record.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 29.08.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 546 OF 2024
(Sujata R. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 19.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 123 OF 2024
(Dr. Chitralekha S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

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

Shri S.B. Munde, learned counsel for respondent Nos. 5 to 7, is **absent**.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondent authorities. Time granted.

3. S.O. to 20.08.2024.

MEMBER (J)

M.A.NO. 370/2018 IN O.A.ST.NO. 1556/2018
(Jagannath Pandharinath Hanwate Vs. State of
Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent Nos. 2 & 3.

2. There is a delay of 90 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that in fact there is a delay of 71 days only. The applicant is a retired Civil Engineer Assistant. By filing the accompanying Original Application, the applicant is challenging the validity, legality and correctness of the communication dated 30.06.2017 with the consequential directions to grant Time Bound Pay Scale in terms of G.Rs. dated

//2// M.A. 370/2018 in
O.A.St. 1556/2018

08.06.1995, 07.10.2016 as well as G.R. dated 16.09.2016 issued by the respondents.

4. Learned counsel for the applicant submits that the Accounts Department has submitted the proposal to Executive Engineer, Jalga Irrigation Department, Jalna on 03.02.2017 about grant of benefits of first Time Bound Pay Scale to three employees including the applicant. However, by impugned communication dated 30.06.2017, the Superintending Engineer, Aurangabad has rejected the said proposal with the observations that all those three employees including the applicant came to be retired before completion of 12 years of service on that post and as such, not entitled for Time Bound Pay Scale. The applicant has got cause of action on the date of said communication.

5. Learned counsel for the applicant submits that it is continuous cause of action and further due to the various difficulties, the applicant could not approach this Tribunal within time. There is no intentional or deliberate delay as such. There is no

//3// M.A. 370/2018 in
O.A.St. 1556/2018

inaction on the part of the applicant and the delay caused in filing the O.A. may be condoned.

6. Learned counsel appearing for respondent Nos. 2 & 3 has strongly resisted the application on the ground that the delay is inordinate one for which no satisfactory explanation has been tendered by the applicant. There is no substance in the Misc. Application and the same is liable to be dismissed.

7. Prima-facie it appears that the applicant has got the cause of action on the basis of impugned communication dated 30.06.2017 (Annexure 'A-12'). I don't think that there is an inordinate delay in filing the Original Application. There is no intentional or deliberate delay as such. The applicant has prevented from sufficient cause to prefer an application within time. There is no inaction on the part of the applicant. Thus considering the entire aspect of the application, I am inclined to condone the delay subject to some costs. I compute the costs of Rs. 500/- (Five Hundred only)

//4// M.A. 370/2018 in
O.A.St. 1556/2018

on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 370/2018 is allowed in following terms:-

- (A) The delay of 90 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.
- (C) The Misc. Application No. 370/2018 is accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1556/2018
(Jagannath Pandharinath Hanwate Vs. State of
Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent Nos. 2 & 3.

2. Issue notice to respondents, returnable on 04.09.2024.

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.

//2// O.A.St.No. 1556/2018

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 04.09.2024.

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

MEMBER (J)

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 : 24.07.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for himself and holding for Smt. M.A. Kulkarni, S/Shri A.M. Kulkarni, learned counsel for the applicants in respective O.As., Shri S.B. Mene, learned counsel holding for Shri S.B. Sant, learned counsel for the applicant in O.A.No. 594/2015, Shri H.A. Joshi, learned counsel for the applicants in O.A. Nos. 643/2015, 258/2016 and 519/2016, Smt. Suchita Dhongde, learned counsel for the applicant in O.A.No. 441/2016 and Shri D.M. Hange, learned Presenting officer for the respondent authorities in all these cases, are present.

2. Learned counsel appearing for the applicants in all these matters submit that by filing these Original Applications the applicants who are working as Instructors on contract basis in different ITI trades claiming the regularization of their services

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from the date of their initial appointments. They further submit that during pendency of these Original Applications, the Government has issued the G.R. dated 14.03.2024 regularizing thereby the services of 297 employees working on contract basis.

3. Learned Presenting Officer submits that along with the short affidavit in reply filed on behalf of respondent authorities, the copy of proposal for regularization is submitted.

4. Learned counsel appearing for the applicants in all these Original Applications submit that unless the regularization order is issued, neither the applicants are ready to withdraw these Original Applications nor it would be appropriate to dispose of these Original Applications.

5. Learned counsel appearing for the applicants however are ready to give consent in all these applications to place these matters before the ensuing **Lok Adalat** scheduled to be held on 21.09.2024.

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6. Learned Presenting Officer submits that if it is possible, on that date the respondent authorities will be requested to come with the orders of the regularization and the same will be issued and given to the applicants who will remain present in person.

7. In view of above, since the learned counsel appearing for the applicants in all these O.As. are ready to give consent on behalf of their clients today itself as they have been authorized to do so, list the matters before the ensuing **Lok Adalat** scheduled to be held on 21.09.2024.

8. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the concerned respondents.

MEMBER (J)

ORIGINAL APPLICATION NO. 413 OF 2024
(Vithal Gangaram Katkade Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 414 OF 2024
(Sajid Khan Nanhe Khan Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned counsel for the applicants in both the O.As. and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in both the O.As.

2. Learned Chief Presenting Officer has placed on record a copy of communication dated 06.05.2024 forwarded to Deputy Inspector General of Prisons, Central Division, Chh. Sambhajinagar i.e. respondent No. 2 by respondent No. 1. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that the said impugned attachment order is now cancelled and the applicants in both the Original Applications are brought back to Aurangabad Central Prison on their previous post.

3. In view of the same, nothing survives for further consideration, so far as the present Original Applications are concerned.

4. Learned counsel for applicants has vehemently submitted that the impugned order was purely

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harassment and the said order is vindictive in nature and thus the costs may be imposed on the respondents.

5. I do not think that any case is made out to impose costs on the respondents. The applicants are brought back to their previous posting and nothing survives for further consideration in both the Original Applications and accordingly, the same are disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 15 OF 2024
(Raju Harsing Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

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. Though learned counsel for the applicant has raised several grounds including the ground of not following the procedure as contemplated under Rule 10 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 while passing the suspension order as a penalty, however, before filing of the present Original Application the applicant has already approached the first appellate authority i.e. the District Collector, Jalgaon by filing appeal dated 09.11.2023. The said appeal is still pending.

3. It appears that the purpose of filing of the present Original Application will be served to certain extent if the first appellate authority i.e. the District Collector, Jalgaon is directed to decide the said pending appeal on its own merits in a time bound manner.

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O.A. No. 15/2024

4. Learned counsel for the applicant submits that though the applicant has specifically prayed in the said appeal about the interim relief to stay the suspension order, however, the same is also not considered. Thus the applicant would be at liberty to file separate interim application in the aforesaid appeal and it would be open for learned District Collector, Jalgaon i.e. first appellate authority to decide the same expeditiously.

5. Learned Presenting Officer submits that the directions may be given to the District Collector, Jalgaon to decide the pending appeal so also interim application on its own merits in a time bound manner.

6. In view of above, the present Original Application is disposed of with the following directions :-

(i) The respondent No. 2 i.e. the Collector, Jalgaon is hereby directed to decide the pending appeal of the applicant filed on 09.11.2023 as expeditiously as possible and

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O.A. No. 15/2024

preferably within a period of six weeks from the date of receipt of this order on its own merits.

(ii) The applicant is at liberty to file an interim application for stay and upon filing of such application, the respondent No. 2 shall decide the same on its own merits within a period one week from the date of receipt of this order.

(iii) All points kept open.

(iv) Learned Presenting Officer shall communicate the present order to respondent No. 2 forthwith.

(v) The Original Application is accordingly disposed of. No order as to costs.

(vi) Steno copy allowed to learned Presenting Officer.

MEMBER (J)

M.A. No. 534/2023 in O.A. No. 496/2023
(Gurunath S. Indurkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri M.J. Sharma, learned counsel holding for Shri Mohit Deshmukh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions seeks leave to delete the name of respondent No. 4 from the array of respondents in M.A. and O.A.

3. Leave granted. The applicant shall delete the name of respondent No. 4 in M.A. and O.A. forthwith.

4. S.O. to 19.08.2024 for filing affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 565 OF 2024
(Dr. Shivaji J. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present. Shri G.L. Deshpande, learned counsel for respondent No. 5, is **absent**.

2. At the request of learned Chief Presenting Officer, two weeks' time is granted for filing affidavit in reply.

3. S.O. to 13.08.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

O.A. Nos. 324, 325, 326, 327, 328, 329 & 330 all of 2024

(Dr. Manohar T. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri S.D. Joshi, 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.

Shri R.S. Pawar, learned counsel for respondent No. 5 in O.A. No. 326/2024, is **absent**.

2. By consent, S.O. to 06.08.2024 for hearing in **urgent admission category**. Status quo granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 185 OF 2020
(Baliram B. Mahale Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. In response to the several orders passed by this Tribunal, learned Presenting Officer today submits a copy of communication dated 23.07.2024. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that the seniority list for the year 1995-2005 has been reconstructed and for the first time, it has been stated in the said communication that there are 15 Junior Clerks above the applicant in the seniority list and in view of the same, the applicant is not entitled for the deemed date of promotion in terms of Government Circular dated 06.06.2002. Further even communicating the same, still the department is scrutinizing the proposal as to whom the deemed date can be given and seeking

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O.A. No. 185/2020

further time of three months to complete the process. It is pertinent to note here that the department has requested three months' time right from the year 2020.

3. In view of above, learned Presenting Officer is now directed to file short affidavit along with reconstructed seniority list of the year 1995-2005 along with Government Circular dated 06.06.2002 without fail on the next date of hearing. In the event, if this order is not complied with by the respondents on the next date of hearing, learned P.O. is directed to keep respondent No. 1 present in person before this Tribunal. It is hereby made it clear that in case if this order is complied with by the respondents, on the next date of hearing the respondent No. 1 shall not remain present before this Tribunal as directed.

4. It is a part heard matter. S.O. to 06.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 277 OF 2017
(Shaikh Mehboob Abdul Kareem Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It is a part heard matter. S.O. to 27.08.2024 for citations.

MEMBER (J)

KPB ORAL ORDER 24.07.2024

ORIGINAL APPLICATION NO. 1056 OF 2019
(Rajkumar D. Malshetwar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri A.A. Mukhedkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant requested for keeping the present matter in ensuing Lok Adalat scheduled on 21.09.2024.

3. In view of above, place the present matter before the Lok Adalat scheduled on 21.09.2024.

4. Learned counsel for the applicant is ready to submit consent form today itself.

MEMBER (J)

**ORIGINAL APPLICATION NO. 473 OF 2022
(Satish V. Mote Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Admit.
3. Learned P.O. waives notice for all the respondents at admission stage.
4. List the matter for final hearing on 14.08.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 847 OF 2022
(Keshav G. Lohar Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondent Nos. 2 & 3. Leave granted. The affidavit in reply is accepted and copy thereof is given to learned counsel for the applicant today itself.

3. Learned counsel for the applicant seeks time to go through the same and file rejoinder affidavit, if necessary. Time granted.

4. S.O. to 08.08.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 211 OF 2023
(Dr. Nitin R. Agrawal Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.09.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 230 OF 2023
(Rakhi C. Janwale Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

Shri P.B. Chandel, 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. By consent, S.O. to 20.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 417 OF 2023
(Chandrashekhar P. Nikam Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

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. At the request of learned counsel for the applicant, S.O. to 29.08.2024 for hearing.

MEMBER (J)

O.A. Nos. 480 & 481 both of 2023
(Gyanraj P. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Gyanraj P. Kakde, party in person in both the O.As. and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. Party in person submits that copy of the affidavit in reply is yet not received.

3. Learned Presenting Officer submits that spare copy of the affidavit in reply has already been submitted.

4. Office to give spare copy of the affidavit in reply to the party in person.

5. Party in person seeks time to go through the affidavit in reply and file rejoinder affidavit, if it is necessary. Time granted.

6. S.O. to 28.08.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 221 OF 2024
(Abdul Gafar Gazi Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks leave to file affidavit in reply on behalf of respondent Nos. 1 to 3. Leave granted. The affidavit in reply is accepted and copy thereof is already given to learned counsel for the applicant.

3. S.O. to 21.08.2024 for filing rejoinder affidavit, if any and admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 760 OF 2024
(Mahendra Omkar Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Prashant M. Nagargoje, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Remove from the board.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 766 OF 2024
(Mahesh Trilok Adekar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Vaibhav U. Pawar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Remove from the board.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 553 OF 2024
(Savita Sahebrao Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri S.T. Solanke, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Today when the matter is called out no one has caused appearance for the applicant. On the previous date i.e. on 11.6.2024 also nobody was present for the applicant. In the interest of justice one more chance is granted to the applicant to proceed with the matter. If the matter is not proceeded on the next date, the same shall stand dismissed for want of prosecution.

3. S.O. to 13.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 767 OF 2024
(Dhiraj Dhanajay Sarda Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Vaibhav U. Pawar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for hearing, learned counsel for the applicant submits that the applicant belongs to Divyang category. It is his further contention that 10 posts were reserved for the candidates belonging to Divyang category. However, only 05 of them have been issued appointment orders and others are kept in waiting list and the applicant is one of such candidate in the waiting list.

3. In the present Original Application it is the prayer of the applicant that the name of these candidates including the applicant shall be shifted to the select list. The select list is also placed on record, wherein the names of these candidates including applicant are not there, however, it is true that 10 posts are earmarked for the Divyang category persons. It is however, prerogative of the appointing authority to decide as to how many

candidates are to be given appointment from the said category. It is not the case of the applicant that less meritorious candidate from Divyang category has been appointed by the respondents. In the circumstances, there seems no cause of action for the applicant to approach this Tribunal. Reliefs which have been sought in the present O.A. merely for that reason cannot be entertained. Hence, the following order is passed: -

ORDER

- (i) The Original Application stands disposed of, however, without any order as to costs.
- (ii) The applicant is not precluded from approaching the Tribunal, if his claim is superseded by less meritorious candidate.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 410 OF 2024
(Ajay Chandrakant Udate Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Chandrakant R. Thorat, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. In the present matter though the applicant has been duly selected, the appointment order has not been issued in his favour only on the ground that he did not submit his caste validity certificate. The aforesaid fact is not disputed by the respondents. Legally, the respondents, on the aforesaid ground cannot refuse to issue the order of appointment to the applicant. In similar matter i.e. in O.A. No. 128/2024 this Tribunal has passed the order directing the respondents therein to issue the order of appointment subject to production of the caste validity certificate by the applicants therein within the period of six months from the date of his appointment. The present Original Application deserves to be allowed with the similar order. Hence, the following order is passed:-

ORDER

(i) The respondents shall issue the provisional order of appointment in favour of the applicant within 02 weeks from the date of this order, subject to production of caste/tribe validity certificate by the applicant within 06 months from the date of his appointment.

(ii) The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 310/2024 IN O.A.ST.NO. 1327/2024
(Laxmibai Bajirao Kasbe Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri S.D. Tambat, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 29.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 24.07.2024-HDD

ORIGINAL APPLICATION NO. 185 OF 2024
(Kakasaheb A. More & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri R.M. Rasve, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants to give the copy of the paper book in the offices of the respondents within two weeks.

3. S.O. to 23.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1117 OF 2024
(Sandip Dinkar Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Balasaheb N. Magar, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. The office has raised objection that page No. 44 of paper book is not legible. It further appears from the proceedings that the applicant has not collected the notice. The applicant shall remove the office objection on or before the next date, positively.

3. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the other side.

4. S.O. to 01.08.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 239/2021 IN O.A.NO. 366/2021
(Nandu Dadarao Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Sajitkhan M. Pathan, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. The present matter is shown in await service category.

3. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record. Learned Presenting Officer undertakes to serve the copy of the affidavit in reply on the learned counsel for the applicant.

3. S.O. to 01.08.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 164/2024 IN O.A.ST.NO. 364/2024
(Nitin G. Gadekar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

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

3. At the request of learned counsel for the applicants, reissue notice to the respondents, returnable on 06.09.2024.

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

5. 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.

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**M.A. 164/24 IN
O.A.ST. 364/24**

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 06.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 24.07.2024-HDD

M.A.NO. 320/2023 IN O.A.ST.NO. 1188/2023
(Pradnya Madhukar Paikrao Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri N.S. Kadarale, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 3 and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 08.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 24.07.2024-HDD

ORIGINAL APPLICATION NO. 300 OF 2024
(Smt. Vaishali W. Hajare Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, issue fresh notice to respondents, returnable on 09.09.2024.

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 09.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 100/2024 IN O.A.ST.NO. 491/2024
(Prashant Khandu Sonowane Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, issue fresh notice to respondents in M.A. No. 100/2024, returnable on 09.09.2024.

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 09.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 567 OF 2024
(Smt. Amisha Amul Waghvase Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant has been posted at Aurangabad as desired by her and hence purpose of filing Original Application stands served. He has, therefore, prayed for disposing of the present Original Application. Hence, the following order is passed: -

ORDER

Since the purpose of filing Original Application is achieved, the same stands disposed of. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 71 OF 2024
(Dr. Dadasaheb W. Salunke Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Smt. V.P. Adkine, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

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

3 S.O. to 20.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 416 OF 2024
(Kiran Liladhar Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri S.B. Kakde, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

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

3 S.O. to 05.09.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 496/2023 IN O.A.NO. 222/2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.08.2024. Till then the interim arrangement shall continue.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 24.07.2024-HDD

M.A.NO. 561/2019 IN O.A.ST.NO. 2250/2019
(Ratish Ramkishan Manurkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. By filing the present Misc. Application the applicant is seeking condonation of delay, which has occurred in filing the accompanying Original Application.

3. The respondents have submitted affidavit in reply and have opposed the prayer for condonation of delay.

4. The accompanying Original Application is filed by the applicant seeking service benefits. It is the contention of the applicant that his representation was rejected in the year 2018 and thereafter as expeditiously as possible he has approached the Tribunal, in spite of that the delay of 02 months has occurred in filing the accompanying Original Application.

5. Having considered the fact that the delay occasioned in filing accompanying Original Application is

**:: - 2 - :: M.A.NO. 561/2019 IN
O.A.ST.NO. 2250/2019**

of meager period, we are inclined to allow the present Misc. Application. Hence, the following order is passed: -

ORDER

- (i) The Misc. Application is allowed. The delay occasioned in filing accompanying Original Application is condoned.
- (ii) The accompanying Original Application be registered in accordance with law.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 2250 OF 2019
(Ratish Ramkishan Manurkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to respondents, returnable on 06.09.2024.

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 06.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 32/2022 IN O.A.NO. 547/2020
(Vishvajit Sandipan Kotkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has filed communication dated 03.07.2023 stating therein that the order passed by this Tribunal in O.A. No. 547/2020, a contempt of which is alleged, has been complied with by the respondents.

3. Learned counsel for the applicant submits that he will take instructions and make a statement.

4. S.O. to 06.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 661 OF 2024
(Mahendra Ambadas Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Dilip Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that during the course of the day service affidavit will be filed in the office of this Tribunal.

3. S.O. to 13.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 443 OF 2024
(Shriram Bhagoji Gawade Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Rahul O. Awasarmol, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 02.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 490 OF 2024
(Somnath Nana Shermale Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Rahul O. Awasarmol, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 02.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 101 OF 2021
(Dhansing Bhangilal Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

None appears for the applicant. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Shri S.D. Dhongde, learned counsel who was appearing for the applicant is no more. Issue notice at the Court motion to the applicant to make alternate arrangement, returnable on 06.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 914 OF 2023
(Vitthal Chandar Khillare Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Prasad B. Kadam, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The present matter though was shown in 'await service category', learned counsel for the applicant submitted that service affidavit is already filed. Learned counsel further submitted that respondent No. 5 has refused to accept the notice and in the circumstance he shall be deemed to have been served. All other respondents are duly served. Respondent No. 5 shall be deemed to have been served.

3. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.

4. S.O. to 20.08.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 46/2018 IN O.A.NO. 207/2015

(Balika Wd/o. Dinkarrao Tawshikar Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.07.2024

ORAL ORDER :

Shri R.M. Rasve, learned counsel holding for Shri V.Y. Patil, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Sri Jivan J. Patil, learned counsel for respondent Nos. 1 & 2, are present.

2. When the present matter is taken up for consideration, learned Presenting Officer submits that the proposal is forwarded to the office of Accountant General, Nagpur, however, instructions are not yet received. He has, therefore, sought some accommodation.

3. S.O. to 23.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 262 OF 2024
(Vinod Arjun Wagh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Majit S. Shaikh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. In the interest of justice one more chance is granted.

3. S.O. to 28.08.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 149/2023 IN O.A.NO. 390/2022
(Rajdeepsingh G. Sardar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri V.V. Kakade, learned counsel holding for Shri R.R. Karpe, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The applicant has filed the present Misc. Application seeking amendment in the O.A. No. 390/2022. Learned counsel submits that during pendency of the Original Application departmental enquiry proceedings are initiated against him. It is the contention of the applicant that just to keep the applicant away from promotion departmental enquiry proceedings are initiated against him. Learned counsel submits that the prayer is to be added in the O.A. that the departmental enquiry proceedings shall not come in the way of the applicant, if he is otherwise entitled for promotion, the amendment is necessary.

3. Learned Presenting Officer has submitted for passing appropriate order.

**:: - 2 - :: M.A.NO. 149/2023 IN
O.A.NO. 390/2022**

4. Considering the prayer made by the applicant, which is in consonance with the contentions raised in the O.A., the application is allowed. Amendment be carried out within a week.

5. Copy of amended O.A. be placed on record. It would be open for the respondents to file affidavit in reply to the amended portion of the O.A., if they so desire.

6. Accordingly, the M.A. stands disposed of with no order as to costs.

7. The O.A. to come up for hearing on 06.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 104 OF 2022
(Bhagwan Namdeo Ugalmugale Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has requested for keeping the present matter for amicable settlement before the **LOK ADALAT** to be held on 21.09.2024.

3. Learned Chief Presenting Officer submits that he will take instructions in this regard from the State authorities.

4. We have gone through the pleadings of the parties. It appears to us that amicable settlement is possible. The present matter, therefore, be placed before the **LOK ADALAT**.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 502 OF 2024
(Balaprasad G. Kendre & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.08.2024.

MEMBER (A)

VICE CHAIRMAN

O.A. NO. 259/2021 WITH M.A. 87/2023
(Megharani Tarkase & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri C.V. Dharurkar, learned counsel for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent nos. 04 & 05, are present.

2. Brief submissions are heard of the learned counsel for the applicants, learned P.O. for respondent authorities and learned counsel appearing for respondent nos. 04 & 05 in respect of the queries which arose while dictating the order in the present matter. The matter now stands adjourned to 31.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 556/2024

(Dr. Sachin B. Gumade & Ors. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.07.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks more one week time to file affidavit in reply of the respondents. Time granted.

3. S.O. to 01.08.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 410/2019
(Santosh R. Jagdale Vs. The State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Ajay S. Deshpande, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present. None appears for respondent no. 02.

2. S.O. to 05-08-2024. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 411/2023
(Sandip Dilip Wayal Vs. The State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

Shri G.N. Landge, learned counsel for respondent no. 03 (**absent**).

2. The present applicant has not been considered for promotion to the cadre of M.D.S., Group-A and his matter is kept in the sealed cover in the D.P.C. meeting held on 17.03.2022 on the ground that the criminal prosecution is pending against him. It is precise contention of the learned counsel for the applicant that on 17.03.2022 no criminal prosecution was pending against the applicant. Learned counsel pointed out that FIR was certainly there against the applicant, however, since no evidence could come on record during the investigation, B-Summary Report was filed and no charge-sheet was ever filed against the applicant.

3. In the affidavit in reply the respondents have come out with same stand that some criminal case was pending against the applicant. It is however not disputed by the respondents that the charge-sheet was not filed against the applicant till the said date and it never came to be filed.

4. In the circumstances, it appears to us that there was no reason for the respondents to adopt the sealed cover procedure in the case of the applicant. In view of the facts as aforesaid the Original Application deserves to be allowed. Hence, the following order :-

ORDER

(i) The respondents are directed to open the sealed cover and if the performance of the applicant is found satisfactory and eligible for promotion and if otherwise there is no other impediment shall award promotion to the applicant.

(ii) It is further directed that in the meanwhile period if any employee/officer junior to the applicant had been promoted, the applicant shall be deemed to have been promoted from the date of promotion of such junior officer.

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O.A. NO. 411/2023

(iii) The aforesaid exercise is to be completed within 08 weeks from the date of this order.

(iv) The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 24.07.2024

ORIGINAL APPLICATION NO. 946/2019

(Dr. Subhash Prabhakar Pawar Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.07.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

Shri V.R. Sonwalkar, learned counsel for respondent nos. 04 and 05 (**absent**).

2. When the present matter is taken up for consideration, the learned counsel for the applicant pointed out that the grievance, which has been raised by the applicant in regard to his pay scale, has been resolved in the order passed by this Tribunal in Original Application No. 469/2012 with other O.As. decided on 04.01.2022. Learned counsel further pointed out that in pursuance of the decision rendered by this Tribunal in the aforesaid O.As., the Government had issued Government Resolution on 03.01.2024. Learned counsel tendered copy of the said G.R. across the bar. Learned counsel submitted that 869 Medical Officers are held entitled for the benefit of the said G.R. and the name of

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O.A. NO. 946/2019

the present applicant is included therein. Learned counsel submitted that even in the affidavit in reply filed on behalf of respondent nos. 04 and 05 the aforesaid fact has been admitted. Learned counsel submitted that in view of the circumstances as aforesaid the Original Application deserves to be allowed.

3. The submissions as are made by the learned counsel for the applicant are not disputed by the learned Chief Presenting Officer. In the circumstances, the Original Application deserves to be allowed with the following order:-

ORDER

(i) The applicant is held entitled for the benefit of G.R. dated 03.01.2024.

(ii) The pay fixation order dated 02.08.2019 is quashed and set aside. The action initiated against the applicant on the basis of order dated 02.08.2019 directing recovery of the amount allegedly paid in excess in favour of the applicant also stands quashed and set aside.

(iii) The Respondents are directed to fix the pay of the applicant in accordance with G.R. dated 03.01.2024. Consequently the applicant is held entitled for the

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O.A. NO. 946/2019

monetary benefits, which may flow from the aforesaid pay fixation. Such benefits be remitted in favour of the applicant within 06 months from the date of this order.

(iv) The Original Application is allowed in the aforesaid terms, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 24.07.2024

C.P.NO. 33/2024 IN O.A.NO. 677/2022
(Ambrish K. Bhusane Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2024

ORAL ORDER :

Shri Kiran G. Salunke, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 1 and the same is taken on record. Learned Presenting Officer undertakes to serve the copy of the affidavit in reply on the learned counsel for the applicant.

3. S.O. to 04.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 24.07.2024-HDD