

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 312/2015
(Shivani V. Sachdeva Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Ms. Angha Pandit, learned Counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 to 3, Shri V.B. Wagh, learned Counsel for respondent no. 5 and Shri R.P. Adgaonkar, learned Counsel for respondent no. 6, are present. Shri Avinash S. Deshmukh, learned Counsel for respondent no. 4 (**leave note**).

2. In view of leave note of learned Counsel for respondent no. 4, S.O. to 21.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 499/2015
(Dr. Maroti D. Dake Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant has filed leave note. Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

2. In view of leave note of learned Counsel for the applicant, S.O. to 31.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 517/2015
(Pathan W. Yunuskhani Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri S.R. Medhekar, learned counsel for the applicant
(**absent**). Shri V.R. Bhumkar, learned Presenting Officer
for the respondents, is present.

2. In view of absence of applicant and his learned
Counsel, S.O. to 28.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 641/2015
(Bhagatsing P. Patil (Pawar) Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With consent of both the sides, S.O. to 28.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 758/2015
(Dr. Tanuja S. Kulkarni Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Ms. Angha Pandit, learned Counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. With consent of both the sides, S.O. to 28.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 477/2018
(Santosh U. Mandage & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With consent of both the sides, S.O. to 31.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 260/2019
(Mukund B. Jagtap Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned Counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With consent of both the sides, S.O. to 31.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 693/2019
(Savita S. Birge Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Today when the matter is taken up for consideration the learned Counsel for the applicant has invited our attention to the Government Resolution dated 22.6.2021 and more particularly clause 14 thereof. The learned Counsel submits that in view of the present G.R. the Government has to consider afresh the proposal previously forwarded for allowing the applicant to complete her probation period.

3. The learned P.O. has not disputed the submissions made on behalf of the applicant that the proposal needs fresh consideration.

4. We have gone through the facts in the matter. The applicant entered into the service on the post of Education Officer on 1.7.2013. The order was admittedly prescribing 02 years period of probation. The probation thus can be said to have been completed on completion of 02 years i.e. on 30.6.2015. It is the statement of the applicant that

during the period of probation there was no allegation against the applicant, and as such, the proposal ought to have been considered on merit and some decision either completing probation period or extending probation period must have been taken. However, it is not taken by the respondents. It is submitted by the learned Counsel that, in the meanwhile an offence has been registered against the applicant under the provisions of Prevention of Corruption Act. Thereafter on this ground the proposal for completing the probation period by the applicant is not considered by the respondents. The learned Counsel submitted that in view of the G.R. now issued on 22.6.2021 and more particularly vide clause 14 thereof if any disciplinary proceeding is initiated against the applicant after he has completed the period of probation, but before passing any order that he has successfully completed probation period, then such proposals are to be reconsidered.

5. In the circumstances, the request is made for disposing of the O.A. with aforesaid directions. In view of the submissions made and in view of the documents on record, the O.A. stands disposed of with following directions :-

- (i) The respondents shall reconsider the proposal for completion of the probation period by the applicant in the light of the G.R. dated 22.6.2021 within the period of 3 months from the date of this order.

(ii) Needless to state that other requirements shall also be looked into by the authorities, which are require to be looked into while certifying that the probation period has been duly completed by the concerned candidate.

There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 174/2021
(Shaikh Musa Shaikh Mohioddin Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri H.M. Shaikh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned P.O. has sought time for filing affidavit in reply of the respondents. Granted.

3. S.O. to 19.1.2022.

MEMBER (A)

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 829/2021
(Vilas S. Mamde Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)

DATE : 24.12.2021

ORAL ORDER :

Shri V.R. Jain, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Issue notices to the respondents, returnable on 20.1.2022.

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

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

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

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 20.1.2022.

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

MEMBER (J)

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 624/2013
(Yogesh P. Ghuge Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri M.C. Ghode, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 19.1.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 745/2021
(Arvind D. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. At the request of learned C.P.O., S.O. to 5.1.2022 for filing affidavit in reply of the respondents.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDERS 24.12.2021

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**C.P.NO. 20/2019 IN O.A.NO. 817/2011
(Shivaji V. Patil Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 7.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 – HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 555 OF 2014
(Sudhir A. Sathe Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri Dilip Mutalik, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 – HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**C.P. 3/20 IN C.P. 47/18 IN O.A. 138/2016
(Dr. Shaikh Faiz Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri I.D. Maniyar, learned counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri A.B. Rajkar, learned counsel holding for Shri D.T. Devane, learned counsel for respondent No. 4, are present.

2. S.O. to 28.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 – HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**C.P.NO. 10/2020 IN O.A.NO. 913/2017
(Dilipkumar R. Patil Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri S.V. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer sought time for filing sur-rejoinder. Granted.

3. S.O. to 28.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 - HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 183 OF 2020
(Rajendra G. Sonawane Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri Suresh D. Dongde, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. Learned Presenting Officer sought time for filing affidavit in reply. Granted.

3. S.O. to 7.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 - HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**O.A.NOS. 358, 359 & 362 ALL OF 2020
(Vidya R. Bomare & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri K.B. Jadhav, learned counsel holding for Shri S.A. Deshmkh, learned counsel for the applicants in all these OAs and Shri B.S. Deokar, learned Presenting Officer for the respondents in all these OAs, are present.

2. S.O. to 27.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 - HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 590 OF 2020
(Ankush Budha Patil Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri Suhas R. Shirsat, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. Affidavit in reply not filed.
3. S.O. to 31.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 - HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**T.A. 7/2021 (W.P.No. 10329/2021) WITH
T.A. 8/2021 (W.P.No. 10446/2021) WITH
T.A. 9/2021 (W.P.No. 11027/2021)
(Shilpa A. Chate & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri Abhijeet C. Deshpande, learned counsel for the applicants in all these cases (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these cases, is present.

2. Await service.
3. S.O. to 3.2.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 – HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 713 OF 2021
(Yogesh C. Gupta & Ors. Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri Balaji Dambe, learned counsel holding for Shri S.S. Dambe, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, present.

2. The service affidavit is filed. All the respondents are duly served. Acknowledgment receipts are annexed with the service affidavit. Service is complete.

3. List the matter for filing affidavit in reply on behalf of all the respondents on 5.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 – HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**C.P.NO. 28/2020 IN O.A.NO. 113/2012
(Bhagwat T. Kadam Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant
(**absent**). Shri B.S. Deokar, learned Presenting Officer for
the respondents, is present.

2. Since nobody appears for the applicant, S.O. to
31.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 - HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 25 OF 2021
(Shankar P. Dange Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Shri R.J. Nirmal, learned counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.B. Jadhav, learned counsel for respondent No. 4, are present.

2. List the matter for final disposal at the stage of admission on 25.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 – HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 1030 OF 2019
(Dr. Jaya P. Dighe Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 4, Shri Ashish B. Rajkar, learned counsel for respondent Nos. 5 to 12 and 14, Shri N.S. Choudhary, learned counsel for respondent No. 13 and Shri Ganesh Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for respondent No. 5, are present.

2. By consent of both the parties, S.O. to 21.1.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 24.12.2021 - HDD

**FARAD CONTINUATION SHEET
IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI, BENCH AT AURANGABAD**

**C.P.NO. 29/2020 IN O.A.NO. 1014/2019
(Bade Ratanhari Shridhar Vs. State of Maharashtra & Ors.)**

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM : Hon'ble Justice Shri P.R. Bora, Member (J)
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 24.12.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Inaction on the part of the respondents in filling 129 vacant posts of staff nurse was the subject matter of O.A. No. 1014/2019 and O.A. No. 95/2020. The said OAs are disposed of by this Tribunal vide order passed on 21.9.2020. Paragraph Nos. 4 & 5 of the said order are material, which are reproduced herein below : -

“4. Learned Advocate for the applicants submits that reasonable time may be given to the respondents to fill up the 129 vacant posts of Staff Nurse, and by giving such directions to the respondents the present O.As. may be disposed of.

5. In view of the above submissions made by the learned Advocate for the applicants and learned C.P.O. for the respondents the present O.As. are disposed of with a direction to the respondent no. 2 to take the suitable steps regarding filling up 129 vacant posts of Staff Nurse within a period of two weeks from today considering the COVID-19 pandemic situation. There shall be no order as to costs.”

3. In view of the order passed as aforesaid, the respondents were under obligation to take effective and

prompt steps towards filling up 129 vacant posts of staff nurse. In the affidavit in reply filed by respondent No. 1, which is sworn by Dr. Deelip Govindrao Mhaisekar, Director, Directorate of Medical Education and Research, an attempt has been made to explain as to why the respondents could not fulfill the mandate given in the aforesaid order of the Tribunal.

4. It is revealed that 79 out of 129 vacant posts are reserved for Ex-serviceman. It is the contention of the respondent No. 1 that without no objection of the Soldier Welfare Board and without the conversion of the said posts, the said reserved posts cannot be filled in by other category candidates. It is the further contention that though the Director of Soldier Welfare issued no objection certificate dated 28.6.2021, even in the said letter the instructions are reiterated that vacant posts reserved for Ex-serviceman need to be converted. It is further contended that because of the said direction the backlog of 78 vacant posts is carried forward to the next year of recruitment for which the process is near about at the end.

5. We are not happy with the excuses given in the affidavit in reply by the respondent No. 1. As has been brought to our notice by the learned Counsel Shri C.V. Dharurkar in writ petition No. 4738/2021, the Director of Solider Welfare Board had given express no objection for filling in the posts reserved for Ex-serviceman from amongst the candidates belonging to Social Backward Class. In the said petition, one of the requests of the petitioner was to direct the Sainik Kalyan Vibhag to give

its no objection to the requisition sent by the Directorate of Medical Education for filling up 79 posts so converted from Ex-serviceman category to General category. The learned Counsel submitted that in the said petition on 10.6.2021 Sainik Kalyan Vibhag gave its clear no objection for filling up the posts reserved for Ex-serviceman from the candidates falling in Socially Backward class.

6. It appears to us that after having received the no objection from the Sainik Kalyan Vibhag there is no impediment in filling 79 vacant posts of Staff Nurse. In view of the “no objection” given by the Director of Soldier Welfare Board no objection from every district Soldier Board does not appear necessary; it shall be deemed to have been dispensed with. What is lacking is the “Will” of the concerned Government authorities because of which till this date the vacant posts of Staff Nurse have not been filled up.

7. We need not to state that, we have passed through a very serious pandemic situation. We have experienced the trauma because of insufficient staff in the Hospitals. That was the only reason that the Hon’ble High Court as well as this Tribunal have time to time has passed the orders directing the concerned Government authorities to fill up all the vacant posts may be the Staff Nurse, Medical Officer or other staff in the Government Hospitals, in the Primacy Health Centres etc., as expeditiously as possible.

8. In the affidavit it is contended in para 11(c) that the Director of Soldier Welfare in his letter dated 28.6.2021

while issuing no objection had given same instructions to fill up the vacant posts reserved for Ex-serviceman as per the instructions in the Government Circulars dated 16.4.1981 and 14.5.1986. In the circumstances, backlog of 78 vacant posts is stated to have carried forward to the next year of recruitment. We are afraid, if the respondents again indulge in procedural wrangles the posts are not likely to be filled in even in the next 2 years. We need not to state that the pandemic situation is not yet over, on the contrary, the situation is likely to be more serious and to face the same we require a strong infrastructure so far as health services are concerned. In the circumstances, we direct all the respondents to ensure that the vacant posts of the Staff Nurse are filled in as expeditiously as possible. The respondents to report the compliance of the steps taken on the next date.

9. S.O. to 6.1.2022.

MEMBER (A)

MEMBER (J)

DATE : 24.12.2021

M.A. No. 422/2021 in O.A. St. No. 1760/2021

(Abhijeet G. Kamble Vs. The State of Maharashtra & Ors.)

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

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 19.01.2022. The case be listed for admission hearing on **19.01.2022.**
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

KPB – REGISTRAR NOTICE

DATE : 24.12.2021

M.A. No. 421/2021 in O.A. St. No. 1707/2021

(Saurabh J. Tribhuvan Vs. The State of Maharashtra & Ors.)

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

1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 19.01.2022. The case be listed for admission hearing on **19.01.2022.**
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

KPB - REGISTRAR NOTICE

Date : 24.12.2021

ORIGINAL APPLICATION NO.830/2021

(Sanjay V. Pardikar V/s State of Maharashtra & Ors.)

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

1. Shri Ajay Deshpande Id. Advocate for the applicant and Shri M.S.Mahajan Id. CPO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 19.01.2022. The case be listed for admission hearing on 19.01.2022.
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 Respondents 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

24.12.2021/yuk registrar notice/