

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI BENCH AT
AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - Court On Leave

Date: -24/07/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	MA322/23 In OAS1391/23	A'nagar	Adv.Pooja S Mundhe (Bhusaheb J Chande)	M.A. For Condonation of Delay	Circulation	18.08.2023
2	MA323/23 In OAS1393/23	A'nagar	Adv.P.P. Uttarwar (Yogesh P Rajale)	M.A. For Condonation of Delay	Circulation	18.08.2023
3	OAS1147/23	Latur	Adv.S.K. Mathpati (Sanjay S Panchagalle)	Continuation of Service	Circulation with Office Objection	31.08.2023
Order Matters						
4	MA60/22 In OAS167/22	Nanded	Adv.G.N. Kulkarni(Mardikar) (GausMohayyopdinSham shodin)	M.A. For Condonation of Delay	For Hearing Reply Filed by R- 1	20.09.2023
5	MA188/23 In MA343/21 In OA692/17	P'bhani	Adv.V.G. Pingle (Bhanudas R Watane)	M.A. For Amendment		22.08.2023
High On Board Matters						
6	OA443/18	Nanded	Adv.M.R. Wagh (Jagannath W Vispute)	Departmental Enquiry/ Punishment	Part Heard Reply Filed by R- 2 & R-3	26.09.2023
7	OA1069/19	A'bad	Adv.Vivek G Pingle (Prabhakar M Kathar)	Reinstate in Service	Part Heard Reply Filed by R-1 to R-6	18.09.2023

8	OA95/22 with	A'bad	Adv.G.M. Jadhav (Vijay U Kale)	Termination/ Recovery	Part Heard For Hearing Reply Filed by R- 2	29.09.2023
9	OA97/22	A'bad	Adv.G.M. Jadhav (Vijay U Kale)	Voluntary Retirement	Part Heard For Hearing Reply Filed by R- 2	29.09.2023
10	OA655/22	N'bar	Adv.F.R. Tandale (Madhav C Padvi)	Departmental Enquiry	Part Heard Reply Filed by R- 1 & R-2	22.09.2023
11	OA559/20	A'bad	Adv.Abhishek C Deshpande (Vishranti B Giri)	Seniority List	For Expedited Hearing	25.09.2023
Due Admission Matters						
12	CP61/19 In OA533/15	Hingoli	Adv.Ajay S Deshpande (Shivaji P Shinde)	Contempt Petition	For Admission Reply Filed by R-1	30.08.2023
13	CP06/23 In OA467/21	A'nagar	Adv.J.S. Deshmukh (Dr. Mohan P Shinde)	Contempt Petition	For Hearing	03.08.2023
14	OA445/19 with	Latur	Adv.VishnuDhoble (Mangal P Musande&Ors.) <u>Adv.SachinDeshmukh for R.Nos.3 & 4</u>	Advertisement	For Hearing Reply Filed by R-3 & R-4	27.09.2023
15	OA446/19	Latur	Adv.VishnuDhoble (Smt.Shridevi G. Dama) <u>Adv.SachinDeshmukh for R.Nos.4 & 5</u>	Advertisement/ Appointment	For Hearing Reply Filed by R-4 & R-5	27.09.2023
16	OA646/19	Hingoli	Adv.Abhay R Rathod (Manoj N Pande) <u>Adv.K.G. Salunke for R.Nos.4, 5 & 7 Adv.V.M. Mane for R.No.6</u>	Appointment	For Hearing Reply Filed by R-2 to R-7	26.09.2023
17	OA774/19	A'nagar	Adv.Arvind G Ambetkar (Chandrakant S Shinde&Ors.)	Promotion	For Hearing Reply Filed by R-1	29.09.2023
18	OA196/21	P'bhani	Adv.K.B. Jadhav (Sandip P More)	Termination	For Hearing Reply Filed by R-2, R-3 & R-5 to R-7	24.08.2023

19	OA755/22	A'bad	Adv.V.B. Wagh (Sopan R Suryawanshi)	Departmental Enquiry	For Hearing	23.08.2023
Final Hearing Matter						
20	OA297/13	Hingoli	Adv.M.R. Kulkarni (Prakash B Joshi)	Promotion	Reply Filed by R-2	29.09.2023
21	OA279/17	Jalna	Adv.V.D. Patnoorkar/ Adv.V. G. Pingle (Rekha A. Bonalwar) <u>Adv.A.D.Aghavfor</u> <u>R.Nos.4&5</u>	<i>Family Pension</i>	Reply Filed by R-1 to R-5 in OA	26.09.2023
22	OA22/21	Nanded	Adv.Avinash S Deshmukh (Muktyarsing R Theng)	Departmental Enquiry	Reply Filed by R-1 & R-2	22.08.2023

Hon'ble Division Bench
Before: -Court On Leave

Date: -24/07/2023 For Reply Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP47/19 In OA364/16	Beed	Adv.R.P. Bhumkar (Rudrappa L Lungare&ors.) <u>Adv S B Mene For R- 3 &</u> <u>R-4</u>	Contempt Petition	As a Last Chance For Filing Affidavit in Reply	26.09.2023
2	CP04/23	Hingoli	Adv J S Deshmukh (SudhakarMangalkar&2 Ors.)	Contempt Petition	Reply Filed by R-2 & For Filing Affidavit in Rejoinder	26.09.2023
3	OA241/22	Hingoli	Adv.G.K. Kshirsagar (Dr.Ravi K Tale)	Age Relaxation/ Selection Process	Await Service for R-2 Reply Filed by R- 2 to R-4	09.10.2023
4	OA242/22 With	Hingoli	Adv.G.K. Kshirsagar/ Adv.AartiBhagwat (Dr.FaisalkhanSalimkhanPathan)	Age Relaxation/ Selection Process	Reply Filed by R- 2 to R-4	09.10.2023
5	OA250/22 With	A'bad	Adv.G.K. Kshirsagar (Dr.Satish K Mundhe)	Advertisement (Selection)	Await Serice for R- 2 Reply Filed by R-4	09.10.2023

6	OA257/22 With	Nanded	Adv.Nitin K Chaudhari (Dr.Rajaram D Kolekar&Ors.)	Advertisement (Selection)	Await Service & Reply Filed by R- 4	09.10.2023
7	OA258/22 With	P'bhani	Adv.C.V. Dharurkar (Dr.Mohd. FerozIqbal Md. Gause&Ors.)	Advertisement (Selection)	Notice Returnned R-2 & Reply Filed by R- 2 to R-4	09.10.2023
8	OA271/22 With	A'bad	Adv.C.V. Dharurkar (Dr.Atul A Deshmukh&Ors.)	Age Relaxation/ Selection Process	Reply Filed by R- 4	09.10.2023
9	OA272/22 With	A'bad	Adv.A.A. Yadkikar (Dr.Shubhendra S Khandewale)	Age Relaxation	Await Service & Reply Filed by R- 4	09.10.2023
10	TA03/22 WP3432/22	A'bad	Adv.A.A. Yadkikar (Dr.Amar V Kingaonkar)	Advertisement MPSC	For Issue Notice	09.10.2023
11	OA422/22	Hingoli	Adv A P Avhad (Maroti K Sable &Ors.)	Examination/ Result/ Selection Process	For Filing Affidavit in Rejoinder	29.9.2023
12	OA520/22	A'nagar	Adv A G Ambetkar (Satish B Jadhav)	Compulsory Retivement on Medical Ground	As a Last Chance For Filing Affidavit in Rejoinder	25.9.2023
13	OA628/22	O'bad	Adv A G Ambetkar (Sunil C Ahire) <u>AdvPradeep T Patil For R-5</u>	Interview	Final Chance For Filing Affidavit in Reply R-2 to R-4	25.09.2023
14	OA757/22	Hingoli	AdvAditi D Warjekar (Sunil K Rodge)	Termination	Reply Filed By R-3 & For Filing Affidavit in Reply	29.9.2022
15	OA782/22	A'nagar	AdvAmol R Gaikwad (Bhausheba Shelke)	Termination	Reply Filed By R-2 & R-4 & One More Last Chance For Filing Affidavit in Reply	22.08.2023

16	OA928/22	Beed	Adv S M Shegaonkar (Bhagwat L Lagad)	Promotion	Reply Filed By R-4 & For Filing Affidavit in Reply	27.9.2023
17	OA930/22	Beed	Adv.P.D. Suryawanshi (ShagirRustumPathan)	Termination	For Reply	24.8.2023
18	OA18/23	Jalna/ Hingoli	Adv.Vidya A Taksal (Prakash S Jadhav&Ors.)	Promotion	Reply Filed By R-1 to R-3 & For Filing Affdavit in Rejoinder	22.9.2023
19	OA409/23	Nanded	AdvShamsunder B Patil (Mukesh S Koshakewar)	Cancellation of Appointment	For Reply	27.9.2023
20	OA516/23	A'bad	Adv V VDeshmukh (Yogesh S Kharde)	Selection Process	Await Service	29.9.2023
Order Matters						
21	MA528/22 In OA651/22	Jalna	Adv.VM.JawareinMA (Vithal M. Wagh) Adv.V B. Waghin OA (Santosh S. Suparkar)	MA for Intervention and adding Party as respondents	For Filing Affidavit in Reply	26.9.2023
22	MA12/23 In OASt2072/22	Latur	Adv.A.B. Rajkar (Yograj V Pawar)	M.A. For Condoantion of Delay	For Reply	18.09.2023
23	MA13/23 In OASt2076/22	Latur	Adv.A.B. Rajkar (Govind S Keshtraphale)	M.A. For Condoantion of Delay	For Reply	18.09.2023
24	MA242/23 In OASt3138/22	Nanded	Adv J S Deshmukh (Maroti L Gore)	M.A For Condonation of Delay	Await Service	27.09.2023
25	MA243/23 In OASt3139/22	Nanded	AdvJayant S Deshmukh (Maroti L Gore)	M.A For Condonation of Delay	Await Service	27.09.2023

Hon'ble Single Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -24/07/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Regular Admission Matters						
1	MA518/19 In OA976/22	Nanded	Adv.Amol S Gandhi/ Adv.P.S. Mehta (Shripad K Marakwar)	M.A. For Amendment		28.07.2023
2	OA1150/22	P'bhani	Adv.V.V. Ingale (Shubham K Thavare)	Compassionate Appointment		31.08.2023
3	MA318/23 In OASt243/23	A'bad	Adv.M.M. Kadtu (Annsasaheb D Pagare)	M.A. For Condonation of Delay		1.09.2023
4	OASt1353/23	O'bad	Adv.M.R. Kulkarni (Suhas J Mandlik)	Transfer	Circulation with Office Objection	21.08.2023
5	MASt1380/23 In OASt1123/23	P'bhani	Adv.S.V. Suryawanshi (Amreen Begum Shaikh Aziz)	M.A. For Condonation of Delay	Circulation with Office Objection	1.09.2023
High On Board Matter						
6	OA364/22	Latur	Adv.Anand V Patil(Indrale) (Laxmibai U Potdar)	Leave/ Family Pension & Pensionery Benefits	For Further Consideration Reply Filed by R-1 to R-3	30.08.2023
Order Matters						
7	MA206/21 In OASt608/21	J'gaon	Adv.V.B. Wagh (Nitin M Baviskar)	M.A. For Condonation of Delay	Part Heard For Further Consideration Reply Filed by R-1 to R-4	30.08.2023
8	MA41/20 In OASt928/19	Latur	Adv.Kakasaheb B Jadhav (Chandmiya B Munde)	M.A. for Condonation of Delay	For Further Consideration Reply Filed by R-3 to R-6	30.08.2023
9	MA228/21 In OAST775/21	P'bhani	Adv.J.M. Murkute/ ADv.S.G. Satpute (Jagannath T Mundhe)	M.A. For Condonation of Delay	Reply filed by R- 3 & 4	04.09.2023

10	MA250/21 In ÓAST999/21	A'nagar	Adv.J.B. Choudhary (Prmod P Narkhede)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-4	04.09.2023
11	MA251/21 In OAST1001/21	Dhule	Adv.J.B. Choudhary (Manohar J Patil)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-4	04.09.2023
12	MA284/21 In OAST823/21	Latur	Adv.R.A. Joshi (Sandipan G Kale)	M.A. For Condonation of Delay		01.09.2023
13	MA399/21 In OAST1725/21	P'bhani	Adv.H.P. Jadhav (Sunanda B Maske & Ors.)	M.A. For Condonation of Delay		30.08.2023
14	MA400/21 In OA701/21	A'bad	Adv.N.D. Sonavane (Vijay E Sonune) <u>Adv.Dinesh Kakde/Adv.R.V. Gore in OA701/21</u> (Kishor B Marathe)	M.A. For Intervention for Adding Pary Respondent	For Hearing	30.08.2023
15	MA214/22 With MA148/21 In OAST481/21	A'nagar	Adv.S.B. Shirsath (Anita P Gitey)	M.A. For Amendment	For Hearing	30.08.2023
16	MA304/22 In OAST1027/22	Dhule	Mohit R Deshmukh (Ravikiran R Ahire & Ors.)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-3 & R-4	30.08.2023
17	MA569/22 In OA583/21	J'gaon	Adv. Swaraj S Tandale (Late Jitendra M Panje Through LR.s Manjusha J Panje & Ors.)	M.A. For Bringing LR.s on Record With Prayer of Abetment		31.08.2023
Due Admission Matters						
18	OA761/19	A'bad	Adv.Siddharth Shinde/ Adv.M.B. Sandanshiv (Vitthal G Jadhav)	Withdrawal of ACPS/ Revision of Pension	Reply Filed by R-1 to R-3	01.09.2023
19	OA199/21	A'bad	Adv.G.J. Pahilwan (Ravindra N Kshirsagar)	Minor Punishment	Reply Filed by R-1 to R-4	30.08.2023
20	OA247/21	A'bad	Adv.Suchita A Dhongde (Ashok B Dhokle) <u>Adv.S.B. Mene for R.No.2</u>	Time Bound Promotion/ ACPS	For Hearing Reply Filed by R-1 & R-4	01.09.2023

21	OA632/21	O'bad	Adv.Prashant D Surywanshi (Harishchandra G Lohkare)	Regularisation of Suspension Period	Reply Filed by R-1 to R-3	01.09.2023
22	OA481/22	A'nagar	Adv.S.D. Joshi (Dhanwantsing H Saini)	Minor Punishment	For Hearing Reply Filed by Respondent	04.09.2023
23	OA585/22	Latur	Adv.H.P. Jadhav (Chandrasen V Lahade)	Recovery/ Refund of Recovered Amount	For Further Consideration For Hearing Reply Filed by R-1 to R-6	31.07.2023
24	OA61/23	Latur	Adv.A.S. Deshmukh (Madhav D Shinde)	Transfer	Reply Filed by R-1 to R-4	08.08.2023
25	OA403/23	Dhule	Adv.S.D. Joshi (Nitin R Kapadnis) <u>Adv.N.N. Desale/Chetan Bhadane for R.No.2</u>	Transfer	For Hearing Reply Filed by R-1 & R-2	25.07.2023
26	OA607/23	A'bad	Adv.Avinash S Deshmukh (Gajanan B Borse)	Additional Charge	For Admission	09.08.2023
Final Hearing Matters						
27	OA532/07	Nanded	Adv.A.N. Ansari (Amir Khan Ibrahim Khan)	Recovery	Reply Filed by R-2 & R-3	18.09.2023
28	OA387/16	Latur	Adv.Vinaya Muley Dharurkar (Dr. Nomani Muhammed Mufti Tahair)	Time Bound Promotion/ ACPS/ Continue Service of Technical Break	Reply Filed by R-1 & R-2	25.07.2023
29	OA116/17	P'bhani	Adv.Vijay V Deshmukh (Dr.Dhanraj W Kendre)	Deemed date of Promotion	Reply filed by R-1 & R-4	13.09.2023
30	OA962/17	Latur	Adv.A.S. Bayas (Bhausaheb B Rayate)	Time Bound Promotion/ ACPS/ Benefit of Assured Career Progressive Scheme	Reply Filed by R-1 to R-4	13.09.2023

31	OA422/19	Nanded	Adv.Suchita A Dhongde (Syed Khaja Syed Meeran)	Interest on Delayed Payment	Reply Filed by R-2 & R-3	13.09.2023
32	OA03/20	Beed	Adv.M.S. Karad (Anil V Lad) <u>Adv.A.S. Deshmukh for R.No.5</u>	Transfer	Reply Filed by R-2 to R-5	13.09.2023
33	OA70/20	Hingoli	Adv.Suresh D Dhongde (Shaikh Hamed Shaikh Dadamiyan)	Minor Punishment	Reply Filed by R-2 & R-3	13.09.2023
34	OA122/20 With Caveat 06/20	Dhule	Adv.A.B. Girase/ Adv.Y.B. Bolkar (Sandip P Jadhav) <u>Adv.S.D. Dhongde for Caveator i.e. R.No.4</u> <u>Adv.N.N. Desale for R.No.5</u>	Transfer	Reply Filed by R-1 & R-2	14.09.2023
35	MA99/21 In OAS350/21	A'bad	Adv.A.B. Rajkar (Mohammad Asgar Mohammad Moosa)	M.A. For Condonation of Delay	Reply filed by R-1 to R-3	14.09.2023
36	OA321/21	Nanded	Adv.S.V. Kurundkar (Dr.Pramod U Wawdhane) <u>Adv.Ashish B Shinde for R.No.4</u>	Pension & Pensionary Benefits		14.09.2023

Hon'ble Single Bench

Before: -THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -24/07/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	TA19/22 WP12463/21	A'nagar	Adv D R Jaybhar (Ramdas K Kolekar)	Provisional Pension/ pension & Pensionary Benefits	Await Service	31.08.2023
2	OA76/22	A'bad	Adv.D.K. Dagadkhair (Ashok R Jawale)	Arrears of Wages/ Allowances	For Filing Affidavit in Rejoinder	31.08.2023
3	OA431/22	P'bhani	Adv.S.S. Thombre (Baliram B Chavan)	Pensionary Benefits	Reply Filed By R-1, R-2, R-4& R-5 & For Filing Affidavit in Rejoinder	31.08.2023

4	OA846/22	A'bad	Adv Anant D Gadekar (Sadashiv M Sawai)	Refund of Recovered Amount	Reply Filed By R-2 & For Filing Affidavit in Reply	31.08.2023
5	OA847/22	Latur	Adv Anant D Gadekar (Keshav G Lohar)	Refund of Recovered Amount	For Filing Affidavit in Reply	31.08.2023
6	O.A.1022/22	A'bad	Adv. V.G. Pingle (Jayshri B. Wakekar @ Jayshir Laxman Sathe)	Compassionate Appointment [Lad-Page Samiti]	For filing Affidavit in Reply	31.08.2023
7	OA352/23	Jalgaon	Adv H P Jadhav (Vasundhara D Patil)	Pension & Pensionary Benefits	Await Service	31.08.2023
8	OA460/23	A'bad	Adv Dhananjay Mane (Manisha T Gite)	Transfer	Await Service R-1 & For Filing Affidavit in Reply	07.08.2023
9	OA461/23	A'bad	Adv Dhananjay Mane (Pravin Y Pawar)	Transfer	Await Service R-1 & R-4 & For Filing Affidavit in Reply	07.08.2023
10	OA463/23	A'bad	Adv Shamsunder B Patil (Dr. Subhash G Kabade)	Benefits of T. B. P/ A.C.P.S	For Reply	31.08.2023
11	OA492/23	Jalna	Adv P R Wankhade (Dr. Jagannath G Kundkar)	Transfer	Await Service	07.08.2023
Order Matters						
12	MA331/22 In MA375/21 In OA489/20	Jalgaon	Adv.H.P. Randhir (Subhash O Ghodke)	M.A. For Restoration	For Reply	21.08.2023
13	MA500/22 In OAS1954/22	A'bad	Adv V G Pingle (Rahul S Lokhande)	M.A For Condonation of Delay	For Filing Affidavit in Reply	01.09.2023
14	MA98/23 In OAS175/23	A'bad	Adv L K Pradhan (Ashok A Keskar)	M.A For Condonation of Delay	For Reply	21.08.2023
15	MA128/23 In OAS1218/23	P'rbn	Adv Talekar & Associates (Gunaji G Kamble)	M.A For Condonation of Delay	For Reply	01.09.2023

ORIGINAL APPLICATION NO. 22 OF 2021

(Muktyarsing Ramrao Theng Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 24.07.2023

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 22.08.2023 for final hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 24.07.2023

ORIGINAL APPLICATION NO. 196 OF 2021

(Sandip P. More Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 24.07.2023

ORAL ORDER :

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

2. S.O. to 24.08.2023 for hearing. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 24.07.2023

M.A.188/2023 IN M.A. 343/2021 IN O.A.692/2017

(Bhanudas Ramkishan Watane Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 24.07.2023

ORAL ORDER :

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

2. S.O. to 22.08.2023. Interim relief granted earlier in M.A. 343/2021 to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 24.07.2023

ORIGINAL APPLICATION NO. 930 OF 2022

(Shagir Rustum Pathan Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 24.07.2023

ORAL ORDER :

Shri P.D. Suryawanshi, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 24.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 24.07.2023

ORIGINAL APPLICATION NO. 782 OF 2022

(Bhausahab A. Shelke Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 24.07.2023

ORAL ORDER :

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

2. At the request of learned P.O., final chance is granted for filing affidavit in reply on behalf of the respondent Nos. 1, 3, 5 & 6.
3. S.O. to 22.08.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

SAS ORAL ORDER 24.07.2023

ORIGINAL APPLICATION NO. 755 OF 2022

(Sopan Ramrao Suryawanshi Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 24.07.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Record shows that on last occasion the matter was fixed for hearing without affidavit in reply of the respondent. However, today learned P.O. has filed affidavit in reply on behalf of the respondent. In the interest of justice, the same is taken on record along with extra copy of reply for the applicant.

3. S.O. to 23.08.2023 for hearing with liberty to the applicant to file affidavit in rejoinder, if any. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 409 OF 2023

(Mukesh Sayanna Koshakewar Vs. the state of Maharashtra & Ors.)

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

(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 24.07.2023

ORAL ORDER :

Shri Shamsundar B. Patil, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed affidavit in reply on behalf of the respondent Nos. 2 & 3. The same is taken on record along with extra copy of reply for the applicant.

3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos. 1 & 4.

4. S.O. to 27.09.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.61/2023
(Madhur D. Shinde Vs. District Collector, Parbhani & Anr.)

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

DATE : 24-07-2023

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 08-08-2023. Interim relief granted earlier to continue till then.

YUK ORAL ORDER 24.07.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.461/2023
(Pravin Y. Pawar Vs. District Collector, Parbhani & Anr.)

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

DATE : 24-07-2023

ORAL ORDER :

Shri Dhananjay Mane, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 07-08-2023. Interim relief granted earlier to continue till then.

YUK ORAL ORDER 24.07.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO.460/2023
(Manisha T. Gite Vs. District Collector, Parbhani & Anr.)

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

DATE : 24-07-2023

ORAL ORDER :

Shri Dhananjay Mane, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 07-08-2023. Interim relief granted earlier to continue till then.

YUK ORAL ORDER 24.07.2023

VICE CHAIRMAN

M.A. St. No. 1380/2023 in O.A. St. No. 1123/2023
(Amreen Begum Shaikh Abdul Aziz Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2023

ORAL ORDER :

Heard Shri S.V. Suryawanshi, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for respondent authorities.

2. In the present matter the office has raised objection about computation of period of delay. According to the office objection, the applicant has not appropriately calculated the period of delay.

3. Subject to the said office objection, issue notices to the respondents in M.A., returnable on 01.09.2023.

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

5. 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.

6. 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.

7. 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.

8. S.O. to 01.09.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1150 OF 2022
(Shubham K. Thavare Vs. State of Maharashtra & Ors.)

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

DATE : **24.07.2023**

ORAL ORDER :

Shri V.V. Ingale, learned counsel for the applicant (**Absent**). Heard Shri B.S. Deokar, learned Presenting Officer for respondent authorities.

2. Issue notices to the respondents, returnable on 31.08.2023.

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

5. 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.

6. 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.

7. 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.

8. S.O. to 31.08.2023.

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

VICE CHAIRMAN

M.A. No. 318/2023 in O.A. St. No. 243/2023
(Annasaheb D. Pagare Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2023

ORAL ORDER :

Shri M.M. Kadtu, learned counsel for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for respondent authorities.

2. Issue notices to the respondents M.A., returnable on 01.09.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 01.09.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. No. 518/2019 in O.A. No. 976/2022
(Shripad K. Marakwar Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2023

ORAL ORDER :

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

2. S.O. to 28.07.2023.

VICE CHAIRMAN

**MA 331/2022 in MA 375/2021 in OA 489/2020
(Subhash O. Ghodke Vs. State of Maharashtra & Ors.)**

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

DATE : 24.07.2023

ORAL ORDER :

Heard Shri H.P. Randhir, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for respondent authorities.

2. By filing the present M.A. No. 331/2022 the applicant is seeking restoration of O.A. No. 489/2020, which has been dismissed in default on 04.04.2022 for want of prosecution.

3. Learned counsel for the applicant submits that due to lack of communication between the counsel and the applicant, the applicant could not remain present on the given date and due to some personal difficulty the counsel could not attend the matter and in the circumstances, it came to be dismissed in default. Learned counsel submits that the applicant is ready to promptly go ahead with the matter and has therefore, prayed for restoration of the O.A.

//2// MA 331/2022 in MA
375/2021 in OA 489/2020

4. Learned P.O. has submitted for passing appropriate order.

5. In view of submissions made and after having gone through the record, I am inclined to allow the present Misc. Application. Hence, the following order:-

ORDER

- (i) M.A. No. 331/2022 is allowed.
- (ii) O.A. No. 489/2020 is restored subject to payment of costs of Rs. 500/- to be paid within a period of two weeks.
- (iii) M.A. No. 375/2021 filed in O.A. No. 489/2020 also stands restored.
- (iv) List the matter for further consideration on 21.08.2023.
- (v) Accordingly, M.A. No. 331/2022 stands disposed of.

VICE CHAIRMAN

ORIGINAL APPLICATIN NO. 352/2023
(Vasundhara D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2023

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondent authorities, are present.

2. Learned P.O. has submitted affidavit in reply on behalf of respondent Nos. 2 and 3 and documents annexed to the affidavit in reply. Same is taken on record and copy of the same is given to the learned counsel for the applicant.

3. The applicant is not intending to file any rejoinder affidavit.

4. List the matter for hearing on 31.08.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 1353/2023
(Suhas J. Mandlik Vs. State of Maharashtra & Ors.)

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

DATE : 24.07.2023

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for respondent authorities.

2. In the present matter the office has raised the objection about jurisdiction. By filing the present O.A. the applicant has challenged his order of transfer from Mumbai to Osmanabad. According to the office objection, since the applicant is posted at Mumbai, jurisdiction to entertain the application would lie with the Principal Seat at Mumbai. Learned counsel of the applicant, however, submitted that the applicant within few days and in any case before 28th of this month will join at Osmanabad in view of the order of transfer. In the circumstances, according to the learned counsel jurisdiction would be with this Tribunal to entertain this application. Learned counsel relied upon Rule 6 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and more particularly clause (i) thereof. Since the applicant is challenging the order by resuming his duties on the transferred place, which is within the jurisdiction of this Tribunal, he can file the O.A. before this Tribunal. The office objection is therefore, not sustainable.

//2//

O.A. St. 1353/2023

3. Issue notices to the respondents, returnable on 21.08.2023.
4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
5. 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.
6. 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.
7. 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.
8. S.O. to 21.08.2023.
9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

**M.A.NO. 98/2023 IN O.A.ST.NO. 75/2023
(Shri Ashok Anant Keskar Vs. State of Mah. & Ors.)**

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

DATE : 24.07.2023

ORAL ORDER :

Heard Shri L.K. Pradhan, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent Nos. 2 & 3 in M.A. and the same is taken on record and the copy thereof has been served on the learned counsel for the applicant.

3. The applicant has filed the present application seeking condonation of delay, which has occasioned in filing the accompanying Original Application. The applicant retired in the year 2003 from the post of Stenography Instructor. It is the case of the applicant that vide Government Resolution dated 17.1.2004, the revised pay scale was made applicable to the employees falling under his cadre w.e.f. 1.1.1996. It is the further submission of the applicant that he is entitled for revised pay scale in view of the aforesaid Government Resolution. The applicant has admittedly filed the Original Application after the lapse of about 18 years from the date of issuance of aforesaid Government Resolution, on the basis of which he has claimed some relief in the Original Application.

4. In the M.A. the applicant has tried to explain the delay by stating that in the meanwhile period he had suffered several health problems and could not take necessary steps. It is his further contention that he was making oral requests to the authorities, however, when he realized that the oral requests are not being considered, in the year 2022 he served notice on the department through his counsel and vide communication dated 23.9.2022 the respondents ultimately denied his claim.

5. Learned counsel appearing for the applicant submitted that in fact the cause of action arose after the said denial and, as such, the applicant cannot be said to have committed any delay in approaching this Tribunal. Learned counsel further submitted that insofar as the prayer of the applicant is concerned i.e. of re-fixation of pay, as ruled by the Hon'ble Apex Court in the case of **Union of India & Ors. Vs. Tarsem Singh (Civil Appeal No. 5151-5152 of 2008 (Arising out of SLP (C) Nos. 3820-3821 of 2008)**, there cannot be any strict rule for considering the period of delay and in such cases ultimately the delay shall be condoned. Learned counsel read out paragraph No. 5 of the said judgment to substantiate his contention. Learned counsel, in the circumstances, prayed for condonation of delay.

6. Shri V.R. Bhumkar, learned Presenting Officer has strongly opposed for condoning the delay. Learned P.O. submitted that the huge delay of about 18 years has not been properly explained and in absence of any such reason the application deserves to be rejected.

7. I have duly considered the submissions made on behalf of the applicant as well as respondents. It is true that the applicant has approached this Tribunal almost after 18 years. When some right was vested in him vide G.R. issued in the year 2004 the applicant was expected to approach this Tribunal within the reasonable period. Mere making representations and its rejection would not extend the period of limitation. However, the law laid down by the Hon'ble Apex Court in the case of **Union of India & Ors. Vs. Tarsem Singh** (cited supra) has bearing on the present matter. I deem it expedient to reproduce the paragraph No. 5 of the said judgment, which reads thus,

“5. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with

reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the re-opening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. In so far as the consequential relief of recovery of arrears for a past period, the principles relating to recurring/successive wrongs will apply. As a consequence, High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

8. In view of the law laid down as above and having regard to the prayer in regard to re-fixation of pay, I am inclined to allow the present application. Hence, the following order: -

ORDER

(i) The delay caused in approaching the Tribunal is condoned subject to the costs of Rs. 1000/- (Rs. One thousand only). The amount of costs shall be deposited in the office of this Tribunal. M.A. stands disposed of.

(ii) In O.A., on payment of costs, issue notices to the respondents, returnable on 21.8.2023.

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

(iv) 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.

(v) 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.

(vi) 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.

(vii) It is clarified that in the O.A. if ultimately the applicant succeeds and any consequential relief is given by the Tribunal in the form of arrears of the past period, the arrears shall be restricted to the period of three years prior to the date of filing of the accompanying O.A. Copy of the order passed in M.A. be kept along with the O.A.

:: - 6 - :: M.A. 98/23 IN O.A.ST. 75/23

(viii) Having regard to the age of the applicant, we hope that the respondents will not seek any further date for filing affidavit in reply.

(ix) S.O. to 21.8.2023.

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

VICE CHAIRMAN

ORAL ORDER 24.07.2023-HDD

**ORIGINAL APPLICATION NO. 403 OF 2023
(Nitin Rajaram Kapadnis Vs. State of Mah. & Ors.)**

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

DATE : 24.07.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri Chetan Bhadane, learned counsel for respondent No. 2.

2. Learned counsel appearing for the applicant has tendered rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 25.7.2023.

VICE CHAIRMAN

ORAL ORDER 24.07.2023-HDD

**ORIGINAL APPLICATION NO. 492 OF 2023
(Dr. Jagannath G. Kundkar Vs. State of Mah. & Ors.)**

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

DATE : 24.07.2023

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Mr. I.S. Thorat, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 7.8.2023. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDER 24.07.2023-HDD

**ORIGINAL APPLICATION NO. 607 OF 2023
(Gajanan B. Borse Vs. State of Mah. & Ors.)**

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

DATE : 24.07.2023

ORAL ORDER :

Shri A.S.Deshmukh, learned counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration learned CPO submits that parawise reply has already been prepared and forwarded for approval. He, therefore, has sought time of two weeks to place on record the same.

3. Learned Counsel appearing for the applicant submitted that while passing the first order on 13-07-2023, this Tribunal has kept open the issue of interim relief. Learned Counsel submitted that it was expressed by the Tribunal that if the reply is filed on the given date, the matter can be heard finally or else the issue of interim relief will be considered. Respondents, however, did not file affidavit in reply on 20-07-2023, which was the date earlier given in the matter and today also time has been sought to file the reply.

=2=

O.A.NO.607/2023

4. It is brought to my notice that the applicant has not accepted or received the charge of the post of Chairman, Mathadi and Unprotected Labour Board, Aurangabad as directed in the impugned order and Shri Raut is still holding the charge of the said post. In the above circumstance, following order is passed: -

ORDER

[i] Two weeks' time is granted to the respondents to file the reply, **till then the position as on today in respect of the charge of Chairman, Mathadi and Unprotected Labour Board, Aurangabad shall remain in force.**

[ii] S.O. to 9.8.2023.

VICE CHAIRMAN

ORAL ORDER 24.07.2023-HDD

ORIGINAL APPLICATION NO. 387 OF 2016

(Dr. Nomani Muhammed Mufti Tahair Vs. State of Maharashtra & Ors.)

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

DATE : 24.7.2023

ORAL ORDER :

Smt. Vinaya Muley Dharurkar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent, are present.

2. Learned counsel for the applicant has tendered across the bar the copy of order passed by this Tribunal in **O.A. No. 304/2021 (Dr. Sajid Ibrahim Tamboli Vs. the State of Maharashtra & Ors.)** on 13.4.2022. The same is taken on record and copy thereof has been supplied to the learned Presenting Officer. Learned Presenting Officer seeks time to go through the said order and make his submissions. Time granted.

3. S.O. to 25.7.2023.

VICE CHAIRMAN

M.A. NO. 322/2023 IN O.A. ST. 1391/2023
(Shri Bhusaheb J. Chande Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 24.7.2023

ORAL ORDER :

Heard Smt. Pooja S. Mundhe, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent.

2. Issue notice to the respondents on the application for condonation of delay, returnable on 18.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A. NO. 323/2023 IN O.A. ST. 1393/2023
(Shri Yogesh P. Rajale Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 24.7.2023

ORAL ORDER :

Heard Smt. Pooja S. Mundhe, learned counsel holding for Shri P. P. Uttarwar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent.

2. Issue notice to the respondents on the application for condonation of delay, returnable on 18.8.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.8.2023.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1147 OF 2023
(Shri Sanjay S. Panchagalle Vs. State of Maharashtra & Ors.)

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

DATE : 24.7.2023

ORAL ORDER :

Heard Shri S.R. Mathpati, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent.

2. The office has raised an objection as about delay in filing the Original Application. The learned counsel for the applicant relying on the judgment of the Hon'ble Supreme Court in the case of **M.R. Gupta Vs. Union of India & Ors, 1995 SCC (5) 628** submitted that there being recurring cause of action and the applicant is being continuing in service today also, O.A. is filed well within the period of limitation.

3. The learned Presenting Officer has, however, opposed the submissions made on behalf of the applicant. The learned Presenting Officer submitted that as cause of action for filing the O.A., according to the applicant, has arisen in the year 2011 and in the circumstances, the applicant is under an obligation to explain the delay. He, therefore,

submits that unless the delay is condoned and before that appropriate application is filed by the applicant seeking condonation of delay, the O.A. cannot be considered.

4. I have carefully considered the submissions advanced on behalf of the applicant and the respondents. The Hon'ble Supreme Court in the case of **M.R. Gupta Vs. Union of India & Ors.** (supra) made the following observations :-

“Having heard both sides, we are satisfied that the Tribunal has missed the real point and overlooked the crux of the matter. The appellant's grievance that his pay fixation was not in accordance with the rules, was the assertion of a continuing wrong against him which gave rise to a recurring cause of action each time he was paid a salary which was not computed in accordance with the rules. So long as the appellant is in service, a fresh cause of action arises every month when he is paid his monthly salary on the basis of a wrong computation made contrary to rules. It is no doubt true that if the appellant's claim is found correct on merits, he would be entitled to be paid according to the properly fixed pay scale in the future and the question of limitation would arise for recovery of the arrears for the past period. In other words, the appellant's claim, if any, for recovery of arrears calculated on the basis of difference in the pay which has become time barred would not be recoverable, but he would be entitled to proper fixation of his pay in accordance with rules and to cessation of a continuing wrong if on merits his claim is justified. Similarly, any other consequential relief claimed by him, such as, promotion etc. would also be subject

to the defence of laches etc. to disentitle him to those reliefs. The pay fixation can be made only on the basis of the situation existing on 1.8.1978 without taking into account any other consequential relief which may be barred by his laches and the bar of limitation. It is to this limited extent of proper pay fixation the application cannot be treated as time barred since it is based on a recurring cause of action.”

5. In view of the observations made by the Hon’ble Supreme Court and the law laid down, the application filed by the applicant cannot be said to be barred by the limitation. The request of the applicant can very-well be considered, however, as has been observed by the Hon’ble Supreme Court in the aforesaid paragraph, the consequential relief, if at all to be granted, will be restricted to past 3 years of filing the O.A. In the circumstances the objection is overruled.

6. Issue notice to the respondents, returnable on 31.8.2023.

7. It is clarified that in the event the applicant succeeds, the consequential relief shall be restricted to the period of preceding 3 years of filing the date of application.

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

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O.A. NO. 1147 OF 2023

9. 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.

10. 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.

11. 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.

12. S.O. to 31.8.2023.

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

VICE CHAIRMAN

C.P. NO. 6/2023 IN O.A. NO. 467/2023
(Dr. Mohan P. Shinde Vs. State of Maharashtra & Ors.)

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

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 24.7.2023

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent.

2. In the present matter on 20.4.2023 the learned Presenting Officer appearing for the respondents had made a statement "that the respondents are going to comply the order". Today when the present matter is taken up for consideration, the learned counsel for the applicant submits that the said order has not yet been complied with. The learned Presenting Officer submits that he will take instructions and will make a concrete statement after a week.

3. S.O. to 3.8.2023. If it is noticed that the order has not yet been complied, the further process will be undertaken for issuing notice to the erring respondents for committing contempt of this Court.

VICE CHAIRMAN