

M.A.NO.441/2023 IN O.A.NO.659/2021
M.A.NO.442/2023 IN O.A.NO.661/2021
M.A.NO.443/2023 IN O.A.NO.183/2022
M.A.NO.444/2023 IN O.A.NO.185/2022
M.A.NO.445/2023 IN O.A.NO.186/2022
(Sushilkumar B. Rakh & Ors. Vs. State of
Maharashtra & Ors.)

O.A.NOS.878/2022, 907/2022 to 912/2022,
1101/2022, 1103/2022, 1104/2022, 1105/2022,
986/2022, 998/2022, 1054/2022, 1076/2022,
167/2023, 985/2022, 1077/2022, 1078/2022,
63/2023, 705/2022, 707/2022, 658/2021,
660/2021, 182/2022, 184/2022, 187/2022,
391/2022, 428/2022, 429/2022,
(Dattatray A. Galgate & Ors. Vs. State of
Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri M.S. Karad, learned counsel for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters.

2. When the present matters are taken up for consideration, the learned Chief Presenting Officer has placed on record the communication dated 24.1.2024 received to the office of Chief Presenting

::-2-::

**M.A.NO.441/2023 IN
O.A.NO.659/2021 & ORS.**

Officer. It is annexed with the copies of two letters of even dates, one addressed to the Deputy Director of Health Services, Latur Circle, Latur and other to the Police Inspector, Shivaji Nagar Police Station, Beed. The contents of the communications reveal that some record is sought from the aforesaid offices, which has not yet been received to the respondents. In the circumstances, time is sought for producing the said documents on record, as well as, for filing short affidavit in that regard.

3. The request so made is opposed by the learned counsel for the applicants stating that due opportunities are already availed. Learned counsel submitted that 'C' summary report has already been submitted in all these matters, wherein the applicants are shown to be accused persons. Learned counsel submitted that recruitment process which has been commenced subsequently, is on the verge of its completion and in the circumstances according to him, there is urgency in these matters.

::-3-::

**M.A.NO.441/2023 IN
O.A.NO.659/2021 & ORS.**

4. On query, it is submitted that subsequent advertisement, which has been issued, the written test has been taken and the results thereof are yet to be declared. It is thus evident that at least period of one or two months may be required for completing the process. In the circumstances, we are inclined to grant more 02 weeks' time to the respondents for producing the documents on record and filing short affidavit.

5. S.O. to 12.02.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 25.01.2024

ORIGINAL APPLICATION NO. 298/2023
(Pramod G. Kharat & Ors. Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri B.S. Deshmukh, learned counsel for respondent no. 03.

2. Learned counsel for respondent no. 03 has sought time to file the affidavit in reply. Request is opposed by the learned counsel for the applicant. However, in the interest of justice, two weeks' time is granted as a last chance.

3. S.O. to 12.2.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 04/2023
(Savita S. Birge Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered the minutes of the meeting of the DPC held on 7.8.2023. Same is taken on record and copy thereof has been supplied to other side. Learned P.O. has sought time for filing the affidavit in reply. Time granted.

3. S.O. to 13.2.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 474/2023
(Smt. Vaishali V. Hinge Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. In the present matter on 18.12.2023 the following order was passed :-

“ Shri V.B.Wagh, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. When the present matter is taken up for consideration, it appears that unless the respondents file necessary documents on record, it is difficult to decide the matter on merit. Respondents are directed to submit the affidavit in reply on or before 10-01-2024. If reply is not filed on or before the said date, costs of Rs.10,000/- (Rs. Ten thousand only) will be imposed on the officer responsible for non-filing the reply.

3. S.O. to 10-01-2024. Steno copy may be provided to the learned P.O. on his request.”

::-2-::

O.A. NO. 474/2023

3. Matter thereafter was adjourned to 10.1.2024. from the record, it appears that on the said date the respondents did not file affidavit in reply and again time seems to have been given and the matter was adjourned till today. Today again time is sought for filing reply. No reason has been assigned by the learned P.O., who is appearing in the matter, as to why the reply is not being filed and what are the difficulties in filing the reply.

4. In the circumstances, matter is directed to be listed for hearing without reply of the respondents and the officer, who is responsible for non-filing the reply is directed to deposit the costs of Rs. 10,000/- (Rs. Ten Thousand only) from his own pocket by the next date.

5. S.O. to 13.2.2024.

MEMBER (A)

VICE CHAIRMAN

LATER ON

Learned Presenting Officer has tendered the copy of communication dated 20/21.12.2023 sent by the learned P.O. to the Additional Chief Secretary,

::-3-::

O.A. NO. 474/2023

Revenue & Forest Department, whereby the order passed by the Tribunal on 18.12.2023 was communicated to the said office. Despite the aforesaid communication, since the reply has not been filed, though the learned P.O. has prayed for recall of the earlier order to the extent of imposing of costs, we are not inclined to recall that order.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 676/2022
(Balaji Babu Tekale & Ors. Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned Chief Presenting Officer undertook to file the affidavit in reply of the respondent nos. 1 & 2 by 15.2.2024. Time granted till then for the reason that if the reply of these respondents received, the matter can be heard on merits. If reply is not filed on the said date, whatever material is available on record that will be considered and the matter will be decided finally. .

3. S.O. to 15.2.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. 27/2023 IN O.A. NO. 681/2019
(Damodhar G. Thengde Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted as a last chance.
3. S.O. to 16.2.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 275/2023
(Shriram A. Patil Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Swaraj S. Tandale, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer again sought time to file the affidavit in reply. Time granted as a last chance till 16.2.2024. If the reply is not filed by the next date, the matter will be heard without reply.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 48/2024

(Dr. Shankarrao Pralhadrao Deshmukh Vs. State of Mah. & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 25.01.2024

ORAL ORDER :

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

2. Applicant is working as a Group-A Medical Officer. As per the notification dated 23.2.2022 issued by the Finance Department of the State the age of retirement of the Group-A Medical Officers is extended up to 60 years. However, benefit of the said G.R. is directed to be only up to the date of 31.5.2023. In the similar circumstances, in one earlier matter though this Tribunal declined to grant any interim relief, the Hon'ble High Court in Writ Petition No. 11453/2023 with other connected writ petitions has passed interim order in favour of all these candidates. Order passed by the Hon'ble High Court in the aforesaid writ petitions is placed on record. It is the contention of the learned counsel

for the applicant that the present applicant is similarly situated candidate. Learned counsel, in the circumstances, has prayed for same interim relief in favour of the applicant.

3. Learned Chief Presenting Officer sought time to take instructions from the respondents for filing the affidavit in reply. Learned C.P.O. however opposed for grant of any interim relief as prayed by the applicant. However, in view of the order passed by the Hon'ble High Court in the aforesaid writ petitions on 5.10.2023, we are inclined to accept the request of the applicant for grant of interim relief and deem it appropriate to grant same relief as has been granted by the Hon'ble High Court in the aforesaid writ petitions. Hence, the following order:-

O R D E R

(i) Issue notice to the respondents, returnable on 1.3.2024.

(ii) Pending the hearing and final disposal of the present Original Application, the respondents shall continue the present applicant in service till he attains the age of 60 years.

(iii) We make it clear that the continuation of the present applicant till he attains the age of 60 years will be subject to the outcome of the

present O.A. The question of the Respondents' power, in case the applicant fails in his challenge, to pass necessary orders in respect of recovery/adjustment of the pay/wages paid to him for the services rendered under the interim order, is kept open.

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

(v) 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.

(vi) 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.

(vii) 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.

(viii) S.O. to 1.3.2024.

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

MEMBER (A)

ARJ ORAL ORDER 25.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 61/2024
(Dr. Namdev Vitthalrao Korde Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. Applicant though initially entered into the service as Group-C Medical Officer, in the passage of time on the strength of the G.Rs. and Circulars, he was given the states of Group-A Medical Officer. Learned counsel for the applicant submits that retirement of Group-A officers is now extended up to age of 60 years. Learned counsel for the applicant submitted that the applicant is entitled for said benefit or else he will attain the age of retirement by the end of this month.

3. Learned counsel pointed out that in similar circumstances, in one earlier matter though this Tribunal declined to grant any interim relief, the

::-2-::

O.A. NO. 61/2024

Hon'ble High Court in Writ Petition No. 11453/2023 with other connected writ petitions has passed interim order in favour of all these candidates. Order passed by the Hon'ble High Court in the aforesaid writ petitions is placed on record. It is the contention of the learned counsel that the present applicant is similarly situated candidate. Learned counsel, in the circumstances, has prayed for same interim relief in favour of the applicant.

4. Learned Chief Presenting Officer has sought time to file the affidavit in reply. Learned CPO submitted that no such material is produced on record by the applicant for grant of interim relief in his favour.

5. Prima-facie there appears substance in the contention of the applicant. Relevant documents are placed on record by the applicant. In the circumstances, we pass the following order:-

O R D E R

(i) Issue notice to the respondents, returnable on 1.3.2024.

(ii) Pending the hearing and final disposal of the present Original Application, the respondents shall continue the present applicant in service till he attains the age of 60 years.

(iii) We make it clear that the continuation of the present applicant till he attains the age of 60 years will be subject to the outcome of the present O.A. The question of the Respondents' power, in case the applicant fails in his challenge, to pass necessary orders in respect of recovery/adjustment of the pay/wages paid to him for the services rendered under the interim order, is kept open.

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

(v) 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.

(vi) 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.

(vii) 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.

(viii) S.O. to 1.3.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 524/2023
(Suwarnamala S. Bikkad Vs. State of Mah. & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 25.01.2024

ORAL ORDER :

Shri S.B. Kakade, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned counsel for the applicant, issue fresh notice to the respondents, returnable on 14.2.2024.

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 14.2.2024.

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

MEMBER (A)

VICE CHAIRMAN

T.A. NO. 22/2023 (W.P. NO. 13258/2023)
(Harihar D. Patki Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that all the respondents are duly served and service affidavit will be filed during the course of the day. Learned P.O. submits that still instructions are not received from the respondents and he will confirm the fact about the serviced of notices.

3. S.O. to 26.2.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 25.01.2024

ORIGINAL APPLICATION NO. 02/2023
(Mushtaque Sikandar Shaikh Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

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

3. List the matter for hearing on 7.3.2024.

MEMBER (A)

VICE CHAIRMAN

C.P. ST. NO. 134/2024 IN O.A. NO. 218/2023
(Sandip T. Jogdand Vs. State of Mah. & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 25.01.2024

ORAL ORDER :

Heard Shri R.D. Khadap, learned counsel for the petitioner and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the petitioner seeks leave to delete prayer clause (D). Learned counsel also seeks leave to delete the name of respondent no. 05. Leave granted. Necessary amendment be carried out forthwith.

3. Issue notice to the remaining respondents, returnable on 11.3.2024.

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 11.3.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 63/2024
(Balbir Singh Jagannath Prasad Tyagi Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 15.2.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 70/2024
(Dr. Prakash Sitaram Lalge Vs. State of Mah. & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 25.01.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 28.2.2024.

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 28.2.2024.

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

MEMBER (A)

VICE CHAIRMAN

T.A. NO. 24/2023 (W.P. NO. 4535/2023)
(Sanjay Kashinath Sable Vs. State of Mah. & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Smt. Sharda P. Chate, 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, the learned Chief Presenting Officer has tendered across the bar the communication dated 24.1.2024 received to the office of the C.P.O. from the State Government. Learned C.P.O. submitted that since there are number of delinquents and joint enquiry is being conducted, some more time is required for completing the said enquiry. In the communication, the State has requested 06 months' time for completing enquiry. In the T.A. filed by the applicant, it is the only request of the applicant that the enquiry be completed as expeditiously as

::-2-::

T.A. NO. 24/2023
(W.P. NO. 4535/2023)

possible and the Tribunal shall stipulate some time frame for completing the enquiry.

3. As is revealing from the pleadings, the enquiry is initiated prior to about 07 years and has not yet been completed. It is true that joint enquiry is being conducted against 13 employees of the Jail. It further prima facie appears that the charges are of serious nature, however, time, which has been taken for completing the enquiry is unreasonable. Now the State has come out with a statement that within 06 months the enquiry will be completed in all respect. It appears to us that this much time needs to be granted to the State for completing the enquiry. Learned counsel for the applicant requested for reducing that period to 03 months. However, for the reasons stated in the communication and having regard to the fact that, joint enquiry is being conducted and the charges are of serious nature, we accept the submission of the respondents and pass the following order with which the present T.A. can be disposed of:-

::-3-::

T.A. NO. 24/2023
(W.P. NO. 4535/2023)

ORDER

- (i) Respondents shall complete the enquiry in all respects within 06 months from the date of this order.
- (ii) The Transfer Application stands allowed in the aforesaid term without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 25.01.2024

M.A.NO.263/2023 IN O.A.ST.NO.808/2023
(Ashish G. Vaishnav Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant seeks leave to delete name of respondent no.1. Leave granted. Necessary amendment be carried out forthwith.
3. List the matter for hearing on 01-03-2024.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

C.P.NO.58/2023 IN O.A.NO.502/2020
(Shrikant B. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri V.G.Pingle, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant seeks leave to change name of respondent no.3. Leave granted. Necessary amendment be carried out forthwith.

3. Learned PO has tendered communication dated 19-01-2024 received from the Dean, Government Medical College, Latur and prayed for time for filing affidavit in reply. Same is taken on record. In view of the fact that the approval to parawise remarks is awaited, time is granted for filing reply till 12-02-2024.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

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

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

DATE : 25.01.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 05-02-2024.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.75/2024
(Kailas B. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 12-03-2024. **Prayer for interim relief is kept open.**

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

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

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

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

7. S.O. to 12-03-2024.

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

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

M.A.NO.09/2022 IN O.A.ST.NO.1541/2021
(Laxmi B. Taji Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri S.S.Jadhavar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Applicant has filed the present application seeking condonation of delay which has occasioned in filing the annexed O.A. The delay is stated to be for the period of 406 days. Learned Counsel for the applicant contended that the applicant was called for document verification on 25-09-2019. It is the contention of the applicant that accordingly she remained present for the document verification and submitted all relevant documents with appropriate authority, however, no response is received thereafter, and hence, the applicant is constrained to approach this Tribunal. Since some delay has occasioned present M.A. has been filed seeking condonation of the delay.

3. Respondents have failed in filing the affidavit in reply in the present M.A.

4. We have gone through the contents of the M.A. For the reasons stated in the M.A. which according to us are just and sufficient, the delay caused in filing the annexed O.A. deserves to be condoned. Hence, the following order:

ORDER

[i] M.A. stands allowed and disposed of accordingly.

[ii] O.A. be registered and numbered in accordance with law, after removal of office objections, if any.

[iii] No costs.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

O.A.ST.NO.1541/2021

(Laxmi B. Taji Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 25.01.2024

ORAL ORDER :

Heard Shri S.S.Jadhavar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to respondents, returnable on 13-03-2024.

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 13-03-2024.

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

MEMBER (A)

YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

M.A.NO.10/2022 IN O.A.ST.NO.1586/2021
(Nathrao S. Chate Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri S.S.Jadhavar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Though the delay is stated to be of the period of around 200 days, after having gone through the contents of the O.A. and chronology of the events occurred, delay which has occasioned in filing the O.A. appears to be more than four and half years. Making repeated representations would not save the limitation. In fact, the applicant must have approached in the year 2017 itself whereas he has approached in the year 2021.

3. However, since the relief which has been sought by the applicant is regarding grievance about his compulsory retirement and for not considering his case for other benefits, we are inclined to take some lenient view in so far as the delay is concerned. Applicant deserves to be given an opportunity to prosecute his matter on merit.

4. In the circumstances, though we are inclined to condone the delay which has occasioned in approaching this Tribunal, we deem it appropriate to impose certain costs on the applicant for such huge delay. Hence, the following order:

ORDER

[i] Delay caused in filing the O.A. is condoned subject to costs of Rs.2000/- (Rs. Two Thousand Only).

[ii] On depositing the costs the O.A. be registered in accordance with law, after removal of office objections, if any.

[iii] M.A. stands allowed in the aforesaid terms.

MEMBER (A)

YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

O.A.ST.NO.1586/2021

(Nathrao S. Chate Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri S.S.Jadhavar, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. After registration of O.A., issue notice to respondents, returnable on 13-03-2024.

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 13-03-2024.

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

MEMBER (A)

YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.163/2023
(Shantaram M. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. Part Heard. S.O. to 05-02-2024.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.370/2020
(Shrimant M. Ture Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Part Heard. S.O. to 29-01-2024.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.799/2021
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned Counsel holding for Shri Jiwan J. Patil, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16-02-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.64/2022
(Bhimrao K. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. S.O. to 12-02-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

M.A.NO.188/2023 IN O.A.NO.692/2017
(Bhanudas R. Watane Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. S.O. to 09-02-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 25.01.2024

VICE CHAIRMAN

**M.A.NO. 478 OF 2022 IN O.A.NO. 650 OF 2021
(Prakash T. Vaichal Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri Y.P. Deshmukh, learned counsel holding for Shri Anand D. Kawre, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Heard both the sides on Misc. Application seeking amendment.

3. Learned counsel for the applicant on instructions seeks leave to withdraw the present Misc. Application with liberty to file it afresh at the time of final hearing of the Original Application, if it is so required.

4. Leave as prayed for is granted.

5. Misc. Application No.478/2022 is hereby disposed of as withdrawn with liberty to the applicant to file it afresh at the time of final hearing of the O.A., if it is so required and if occasion so arises.

6. There shall be no order as to costs.

7. O.A. to come up on board on 26.02.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 632 OF 2021
(Harishchandra G. Lohkare Vs. State of Maharashtra &
Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri Prashant D. Suryawanshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Heard learned counsel for the applicant for some time.

3. Learned counsel for the applicant submits that the applicant is pressing this Original Application only to the extent of cancellation of two increments granted on 01.07.2009 and 01.07.2010 and also against the recovery of amount paid to the applicant towards salary and allowances during the suspension period.

4. Learned Presenting Officer accepted that there is no specific reply on this. Learned P.O. submits that even the respondent No.4 has specifically stated in the reply that it is for the respondent Nos. 2 & 3 to submit specific reply on these two grounds raised by the applicant in this Original Application.

//2// O.A. 632/2021

5. Learned P.O. thus seeks time to file the additional reply on these grounds raised by the applicant in this Original Application.

6. Leave to file the additional reply. Time granted.

7. S.O. to 15.02.2024 for hearing.

MEMBER (J)

ORAL ORDER 25.01.2024 sas

ORIGINAL APPLICATION NO. 160 OF 2022
(Anant A. Kendrekar Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Jitendra Chavan, learned counsel holding for Shri Akshay Kulkarni, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Though the matter is kept back at the request of learned counsel requesting on behalf of learned counsel Shri Akshay Kulkarni, none appears.

3. S.O. to 15.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 513 OF 2022
(Vikram S. Vairale Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Jitendra Chavan, learned counsel holding for Shri Akshay Kulkarni, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Though the matter is kept back at the request of learned counsel requesting on behalf of learned counsel Shri Akshay Kulkarni, none appears.

3. S.O. to 04.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 761 OF 2021
(Pradeep B. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri N.N. Desale, learned counsel for respondent No.3.

2. In terms of the order dated 07.01.2022, the relieving order as against the applicant passed by the respondent No.3 has been stayed in the present Original Application.

3. It is now informed by the learned counsel for the applicant in response to the query put forth by this Tribunal that the applicant has completed his tenure in the month of August, 2023. In view of same, it is for the Government to take appropriate decision about the transfer and posting of the applicant in the ensuing April-May general transfer of the year, 2024 and for that purpose, there is no bar of stay granted by this Tribunal which is limited to the extent of relieving order passed by the respondent No.3. It is open for the State Government to pass an appropriate order in respect

//2// O.A. 761/2021

of the transfer and posting of the applicant and till passing of the said order, the interim relief dated 07.01.2022 would remain continue.

4. Further, learned counsel for respondent No.3 has brought to notice of this Tribunal that on 03.12.2021 the Chief Executive Officer, Zilla Parishad, Dhule has informed to the State Government about the misconduct of the applicant during his service period at Zilla Parishad, Dhule and also submitted the charge sheet for further action against the applicant. Even though the said proposal has been submitted way back in the year 2021, the State Government has not taken any decision on that.

5. It is also open for the State Government to initiate the departmental enquiry in the light of the proposal submitted by the Chief Executive Officer, Zilla Parishad, Dhule, if it is so required and desired.

6. With these observations, the Original Application is disposed of. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 384 OF 2021
(Shripatrao B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.02.2024 for final hearing.

MEMBER (J)

ORAL ORDER 25.01.2024 sas

ORIGINAL APPLICATION NO. 252 OF 2023
(Balasaheb Y. Dhanave Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. Part Heard.
3. S.O. to 05.02.2024 for further hearing.
4. The interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 25.01.2024 sas

ORIGINAL APPLICATION NO. 248 OF 2022
(Mogra G. Thakre Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri A.S. Mirajgaonkar, learned counsel for the applicant and Shri Amit Savale, learned counsel for respondent No.2, are **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant and learned counsel for respondent No.2, S.O. to 01.04.2024 for final hearing.

MEMBER (J)

ORAL ORDER 25.01.2024 sas

**ORIGINAL APPLICATION NO. 1049 OF 2019
(Pralhad L. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Shri Anand D. Kawre, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

Shri S.D. Dhongde, learned counsel for respondent Nos. 4 & 5 has filed a **leave note**.

2. S.O. to 26.02.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 656 OF 2018
(Dr. Sunil D. Dhumal Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. This is old matter of the year 2018.

3. S.O. to 01.04.2024 for passing orders.

MEMBER (J)

Later On:-

4. Mr. Preeti R. Wankhade, learned counsel for the applicant is present and requested for adjournment.

5. S.O. to 01.04.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 464 OF 2021
(Vilas K. Hiwale Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. At the request of learned P.O., S.O. to 08.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1073 OF 2022
(Gajanan S Bachipale & Ors. Vs. State of Maharashtra &
Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri S.R. Kolhare, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 04.03.2024 for hearing.

MEMBER (J)

ORAL ORDER 25.01.2024 sas

**O.A.NOS. 543/2019, 766/2021, 970/2022,
973/2022, 806/2022, 845/2022, 10/2022,
269/2022, 366/2022, 438/2022, 648/2022,
649/2022, 783/2022, 864/2022, 972/2022,
1089/2022, T.A. 12/2023 (W.P. 6494/2022),
33/2023, 214/2023, 39/2022, 44/2022, 99/2022,
173/2022, 273/2022, 81/2023, 427/2019,
381/2021, 686/2021, T.A. 06/2022 (W.P.
6466/2022), 410/2022, 522/2022, 577/2022,
603/2022, 1144/2022 and 1154/2022, 591/2021
(Shivprasad C. Potpalliwar & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

S/Shri G.J. Karne, Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, M.K. Bhosale, S.D. Joshi, Shri N.P. Bangar, S.B. Choudhari, A.D. Aghav, A.S. Shelke, K.B. Jadhav, V.G. Pingle, H.P. Jadhav, Smt. Vidya A. Taksal, R.P. Adgaonkar, A.V. Thombre holding for Shri S.S. Thombre, V.B. Dhage, Subhash Chilarge, V.P. Kadam, Darshan Sahvji, learned counsel holding for Shri P.S. Gaikwad, P.D. Suryawanshi, learned counsel holding for Shri M.B. Kolpe, K.M. More, N.P. Dube, V.G. Pingle, B.G. Deshmukh, Avinash Deshmukh, S.D. Kotkar, S.R. Kolhare, R.I. Wakade, Mohit Deshmukh and S.B. Coudhari, respective learned counsel for the applicants in respective matters, S/Shri I.S. Thorat,

//2//

D.R. Patil, N.U. Yadav & Smt. Sanjivani K. Deshmukh-Ghate, respective learned Presenting Officers for the respective respondent authorities in respective matters and Shri S.B. Mene, learned counsel for respondent No. 2 & 3 in O.A. 543/2019 & O.A. 973/2022, for respondent Nos. 3 to 6 in O.A. No. 970/2022 & for respondent Nos. 3 & 4 in O.A. 783/2022 and Shri M.P. Gude, learned counsel for respondent No. 1 & 3 in O.A. 269/2022, are present. Smt. Suchita Dhongde, learned counsel for the applicants in O.A. Nos. 427/2019 (**Leave Note**).

2. Learned Presenting Officers on instruction submits that the G.P. office has taken circulation of Review Application St. No. 22946/2022 and the said Review Petition is posted for hearing on 02.02.2024 before the Hon'ble High Court of Bombay, Bench at Aurangabad.

3. In view of the same, S.O. to 23.02.2024 for hearing.

MEMBER (J)

O.A. Nos. 369/2021 and 262/2022

(Naushadbee Ibrahim Shaikh & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant in O.A. No. 262/2022 (**Leave Note**). Shri S.B. Choudhari, learned counsel for the applicant in O.A. No. 369/2021 and S/shri I.S. Thorat & D.R. Patil, learned Presenting Officers for the respondent authorities in respective O.As., are present.

2. S.O. to 04.03.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 25.01.2024

ORIGINAL APPLICATION NO. 239 OF 2022
(Suryakumar M. Vanje Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. Pleadings completed. List the matter for admission hearing on 23.02.2024.

MEMBER (J)

KPB ORAL ORDER 25.01.2024

ORIGINAL APPLICATION NO. 1142 OF 2022
(Maya B. Chabukswar Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter.
3. Learned counsel for the applicant seeks time to file citations and relevant G.Rs. Time granted.
4. S.O. to 14.02.2024 for further hearing.

MEMBER (J)

M.A. No. 420/2022 in O.A. St. No. 1554/2022
(Eknath M. Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri D.B. Pawar-Pathrekar, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 05.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 25.01.2024

M.A. No. 118/2023 in O.A. St. No. 396/2023
(Ankush B. Bodade Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Smt. Scuhita Dhongde, learned counsel for the applicant (**Leave Note**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by learned counsel for the applicant, S.O. to 05.04.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 25.01.2024

ORIGINAL APPLICATION NO. 536 OF 2020
(Ravi U. Vanjare Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri G.J. Karne, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Pleadings completed. List the matter for admission hearing on 23.02.2024.

MEMBER (J)

KPB ORAL ORDER 25.01.2024

ORIGINAL APPLICATION ST. NO. 1148 OF 2021
(Manoranjan M. Gatkal Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Sunil Nimbalkar, learned counsel holding for Shri Amol Gandhi, 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 counsel for the applicant, S.O. to 01.02.2024, as a last chance, since the office has taken objection to the effect that on 05.04.2017 this issue has already been dealt with by this Tribunal in O.A. No. 418/2016.

3. Office to annex the R&P of said O.A. with the present O.A. till next date of hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 470 OF 2022
(Prasad D. Mule Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 3, are present.

2. Learned counsel for respondent No. 3 submits affidavit in reply on behalf of respondent Nos. 3 to 5. Same is taken on record and copy thereof is given to other sides.

3. S.O. to 26.03.2024 for hearing with liberty to file rejoinder affidavit, if any.

MEMBER (J)

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

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 26.02.2024.

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 26.02.2024.

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

MEMBER (J)

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

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

DATE : 25.01.2024

ORAL ORDER :

Shri P.G. Rodge, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present. Shri S.M. Kamble, learned counsel for respondent No. 1, is **absent**.

2. It is a part heard matter.

3. Learned Presenting Officer seeks time to file additional affidavit as directed by this Tribunal on 10.01.2024. Time granted.

3. S.O. to 13.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 478 OF 2022
(Deepak A. Mudiraj Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Shaikh Wajeed Ahmed, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Though the matter is part heard, learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned Presenting Officer.

3. S.O. to 21.02.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 898 OF 2023
(Madhukar L. Dodake Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Deelip Mutalik, learned counsel holding for Shri K.G. Salunke, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present. Shri Ajinkya Reddy, learned counsel for respondent No. 2, is **absent**.

2. The affidavit in reply is not filed on behalf of respondent No. 2.

3. List the matter for admission hearing on 08.02.2024 with liberty to respondent No. 2 to file affidavit in reply, if any till next date of hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 318 OF 2021
(Prakash Madhavrao Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri Amol Kokad, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions in writing dated 24.01.2024 seeks leave to withdraw the present Original Application. Same is taken on record and marked as document 'X' for identification.

3. Leave granted. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 422 OF 2021
(Satish A. Trimukhe Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri Sunil Nimbalkar, learned counsel holding for Shri Vijay Deshmukh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 04.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 674 OF 2023
(Vithal H. Awale Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri S.L. Bhapkar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 22.02.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 510 OF 2023
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof is given to other side.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 2 and 3. Time granted.

4. S.O. to 28.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 308 OF 2023
(Dattatray B. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri V.Y. Patil, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 22.02.2024 for filing necessary affidavit, as a last chance.

MEMBER (J)

KPB ORAL ORDER 25.01.2024

ORIGINAL APPLICATION NO. 511 OF 2023
(Shankar W. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri O.D. Mane, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 27.02.2024.

MEMBER (J)

M.A. No. 373/2023 in O.A. St. No. 1267/2023
(Rameshwar S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present. Shri S.B. Patil, learned counsel for respondent No. 3, is **absent**.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply in M.A.

3. S.O. to 08.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 510 OF 2020
(Priyadarshi S. Maske Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Shri I.S. Maniyar, learned counsel holding for Shri V.S. Panpatte, 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 counsel for the applicant, S.O. to 06.02.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1100 OF 2023
(Dr. Sanjay M. Rathod Dr. Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Avinash Deshmukh, learned counsel for respondent No. 4.

2. Learned Chief Presenting Officer submits that the Solicitor (M.L.)-cum-Deputy Secretary to the Government, Law and Judiciary Department, Mantralaya, Mumbai by communication dated 24.01.2024 has informed to the office of C.P.O. that Shri Sanjeev B. Deshpande, is appointed as Special Counsel in this matter.

3. Shri Chetan B. Choudhari, learned counsel holding for Shri Sanjeev B. Deshpande, learned Special Counsel seeks short adjournment.

4. Learned C.P.O. submits that in compliance with the directions given by this Tribunal in the earlier order, the original record has been received

//2// O.A. 1100/2023

to the C.P.O. office. In view of the same, the original record shall be kept in the C.P.O. office till the hearing is completed.

5. Learned counsel for respondent No. 4 submits counter affidavit in response to the affidavit filed by the applicant. Same is taken on record and copy thereof is given to other sides.

6. S.O. to 01.02.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 420 OF 2023
(Mamta S. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present. Shri Y.M. Patil, learned counsel for respondent No. 3, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 04.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 512 OF 2023
(Jaykumar R. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Smt. Vinaya Muley-Dharurkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.02.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 617 OF 2023
(Shubhangi R. Bhoge Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1, 2, 4 & 5.

3. S.O. to 02.02.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

**M.A. No. 51/2023 in O.A. St. No. 3101/2023
(Arun D. Landge Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant was appointed on the post of Police Constable with Police Headquarter, Ahmednagar. He had worked at various Police Stations under the control of respondents. He was transferred at Shrigonda Police Station, Dist. Ahmednagar in the year 2008 and during that period, the applicant was residing with his family members at Government Quarter, Police Headquarter, Police Line, Ahmednagar. On 27.11.2008, the Deputy Superintendent of Police, Ahmednagar issued notice to the applicant directing him to vacate the Government quarter within a period of seven days. The applicant has filed his reply on 28.11.2008 to respondent No. 3 mentioning

//2//

M.A. 51/2023 in
O.A.St. 3101/2023

therein the ailment of his wife and other problems. On 02.01.2010, the respondent No. 3 pleased to pass an order to recover arrears and regular house rent from monthly salary of the applicant.

3. Learned counsel for the applicant submits that on 30.04.2017, the applicant stood retired from the post of Assistant Sub-Inspector (ASI) on attaining the age of superannuation. Though the applicant has requested many times to provide documents of recovery and refund of the said recovered amount to him, however, the respondents have not considered the same. During 2020-21, the applicant could not approach the counsel for obtaining legal advice and so also during the lockdown of Covid-19, could not file O.A. However, on 03.01.2022 the applicant has filed representation to respondent No. 2 and on 15.02.2022 it was communicated to the applicant that certain amount was recovered from salary of the applicant. Learned counsel submits that there is no inaction on part of the applicant and the applicant time and again approached to the respondents and also even after retirement, persuaded the matter for refund of recovered

//3//

M.A. 51/2023 in
O.A.St. 3101/2023

amount from his salary. However, the respondents have not paid any heed to it. Learned counsel submits that the present M.A. deserves to be allowed.

4. Learned Presenting Officer has strongly resisted the application on the ground that there is inordinate delay caused in the filing the accompanying O.A., for which no satisfactory explanation has been given by the applicant. Learned P.O. submits that even though the amount recovered from the salary of the applicant right from 2010 till his retirement, the applicant has not approached this Tribunal within time. Learned P.O. submits that there is no substance in the present M.A. seeking condonation of delay and the same is liable to be dismissed.

5. It appears that in the year 2008 the applicant has occupied Government Quarter at Ahmednagar and at that time, his wife become ill suffering from spine problem and treatment was going on at Ahmednagar. In the year 2010, the respondent No. 3 has passed an order directing recovery from the

//4//

M.A. 51/2023 in
O.A.St. 3101/2023

salary of the applicant. Even though the certain amount came to be recovered from the monthly salary of the applicant till then, even after retirement certain amount still to be recovered. Learned counsel submits that after retirement, the entire amount recovered from pension of the applicant, which is impermissible. Learned counsel submits that though the applicant has submitted representation for refund of the said recovered amount, however, the respondents have not considered the same. The said representation of the applicant is of the year 2022. In view of the same, there is no inaction on part of the applicant and there is no deliberate or intentional delay as such. In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

The Misc. Application No. 51/2023 is allowed in following terms:-

//5//

M.A. 51/2023 in
O.A.St. 3101/2023

(A) The delay of 4 years, 7 months and 21 days (1696 days) caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(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)

O.A. St. No. 3101/2023

(Arun D. Landge Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 04.04.2024.

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 04.04.2024.

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

MEMBER (J)

**M.A. No. 57/2023 in O.A. St. No. 197/2023
(Markas U. Magar Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that initially the applicant was appointed on the post of Police Constable with respondent No. 3 at Police Head Quarter, Ahmednagar. Thereafter, he was promoted on the post of Police Naik with Karjat Police Station in the year 2000 and in the year 2007, he was promoted on the post of Police Hawaldar with Newasa Police Station, Ahmednagar. Further in the year, 2014 the applicant was promoted on the post of Assistant Sub-Inspector (ASI) at Shevgaon Police Station, Dist. Ahmednagar. On 31.05.2016, the applicant stood retired from the post of ASI on attaining the age of superannuation. In the year 2014, the Finance Department has approved revised Grade Pay as benefit under modified Assured Career Progressive Scheme for employees in isolated cadres.

//2// M.A. No. 57/2023 in
O.A. St. No. 197/2023

In the year 2017, the Finance Department has changed the Grade Pay of Police Hawaldar. In the year 2022, though the applicant has filed application under RTI seeking information of ACPS, however the said information was not provided to him. On 02.08.2022, the applicant has again filed application under RTI before the respondent No. 3 seeking information of ACPS and status of his benefits. By communication dated 10.08.2022, respondent No. 3 has informed to the applicant that the office has not provided 2nd and 3rd benefits to the applicant.

3. Learned counsel for the applicant submits that as per the date of said communication, the O.A. is within limitation, however though there is technical delay of not approaching this Tribunal within time when the cause of action arose, there is no inaction on part of the applicant and the applicant prevented from sufficient cause to approach this Tribunal by filing O.A. within stipulated time. There is no inordinate or intentional delay as such. Learned counsel submits that the present M.A. deserves to be allowed.

//3// M.A. No. 57/2023 in
O.A. St. No. 197/2023

4. Learned Presenting Officer has strongly resisted the application on the ground that there is inordinate delay, for which the applicant has not tendered satisfactory explanation. Though in the year 2014 the cause of action arose, there is total inaction on part of the applicant. Learned P.O. submits that mere filing of the representation does not give any cause of action afresh. There is no substance in the present M.A. seeking condonation of delay and the same is liable to be dismissed.

5. It appears that in the year 2016, the applicant stood retired from the post of ASI on attaining the age of superannuation. In the year 2021, the applicant has filed representation before the respondents with a request to grant him benefit of time bound promotion / ACPS and further pay him the arrears and revised his pension. Even though the applicant has filed application under RTI about the status of his grant of benefits under ACPS, however on 10.08.2022 the respondent No. 3 has informed to the applicant that this office has not provided 2nd and 3rd benefits to the applicant. In view of the same, there is no delay as such. There is continuous cause of action and there is no inaction

//4// M.A. No. 57/2023 in
O.A. St. No. 197/2023

on part of the applicant and there is no inordinate or deliberate delay. In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

The Misc. Application No. 57/2023 is allowed in following terms:-

(A) The delay of 5 years caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(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)

O.A. St. No. 197/2023
(Markas U. Magar Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 04.04.2024.

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 04.04.2024.

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

MEMBER (J)

**M.A. No. 102/2023 in O.A. St. No. 358/2023
(Vilas S. Makasare Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that initially the applicant was appointed on the post of Police Constable with respondent No. 3 at Nagar Taluka Police Station, Ahmednagar. Thereafter, he was transferred on the same post at different Police Stations. Thereafter, he was promoted on the post of Police Head Constable with Pathardi Police Station in the year 2007. In the year 2012, he was transferred at Shevgaon Police Station, Tq. Shevgaon, Dist. Ahmednagar. On 30.04.2017, the applicant stood retired from the post of Police Head Constable on attaining the age of superannuation. In the year 2014, the Finance Department has approved revised Grade Pay as benefit under modified Assured Career Progressive Scheme for employees in isolated cadres. In the year 2017, the

//2// M.A. No. 102/2023 in
O.A. St. No. 358/2023

Finance Department has changed the Grade Pay of Police Hawaldar. In the year 2022, though the applicant has filed applications under RTI seeking information of ACPS and service record, however the said information was not provided to him. By communication dated 20.12.2022, respondent No. 3 has informed to the applicant that the office has not provided benefit under ACPS to the applicant.

3. Learned counsel for the applicant submits that as per the date of said communication, the O.A. is within limitation, however though there is technical delay of not approaching this Tribunal within time when the cause of action arose, there is no inaction on part of the applicant and the applicant prevented from sufficient cause to approach this Tribunal by filing O.A. within stipulated time. There is no inordinate or intentional delay as such. Learned counsel submits that the present M.A. deserves to be allowed.

4. Learned Presenting Officer has strongly resisted the application on the ground that there is inordinate delay, for which the applicant has not

//3// M.A. No. 102/2023 in
O.A. St. No. 358/2023

tendered satisfactory explanation. Though in the year 2014 the cause of action arose, there is total inaction on part of the applicant. Learned P.O. submits that mere filing of the representation does not give any cause of action afresh. There is no substance in the present M.A. seeking condonation of delay and the same is liable to be dismissed.

5. It appears that in the year 2017, the applicant stood retired from the post of Police Head Constable on attaining the age of superannuation. In the year 2022, the applicant has filed representation before the respondents with a request to grant him benefit of time bound promotion / ACPS and further pay him the arrears and revised his pension. Even though the applicant has filed application under RTI about the status of his grant of benefits under ACPS, however on 20.12.2022 the respondent No. 3 has informed to the applicant that this office has not provided benefit under ACPS to the applicant. In view of the same, there is no delay as such. There is continuous cause of action and there is no inaction on part of the applicant and there is no inordinate

//4// M.A. No. 102/2023 in
O.A. St. No. 358/2023

or deliberate delay. In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

The Misc. Application No. 102/2023 is allowed in following terms:-

(A) The delay of 4 years (1757 days) caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(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)

O.A. St. No. 358/2023
(Vilas S. Makasare Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 04.04.2024.

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 04.04.2024.

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

MEMBER (J)

**M.A. No. 101/2023 in O.A. St. No. 195/2023
(Shridhar L. Lawande Vs. State of Maharashtra & Ors.)**

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that initially the applicant was appointed on the post of Police Constable with respondent No. 3 at Police Head Quarter, Ahmednagar. Thereafter, he was promoted on the post of Police Naik in the year 2000 and in the year 2004, he was promoted on the post of Police Hawaldar with Sevgaon Police Station, Dist. Ahmednagar. Further in the year 2013, the applicant was promoted on the post of Assistant Sub-Inspector (ASI) at Newasa Police Station, Dist. Ahmednagar. On 31.05.2016, the applicant stood retired from the post of ASI on attaining the age of superannuation. In the year 2014, the Finance Department has approved revised Grade Pay as benefit under modified Assured Career Progressive Scheme for employees in isolated cadres. In the

//2// M.A. No. 101/2023 in
O.A. St. No. 195/2023

year 2017, the Finance Department has changed the Grade Pay of Police Hawaldar. In the year 2022, though the applicant has filed application under RTI seeking information of ACPS, however the said information was not provided to him. By communication dated 22.08.2022, respondent No. 3 has provided information about ACPS, which was not given to the applicant and status of his service benefits.

3. Learned counsel for the applicant submits that as per the date of said communication, the O.A. is within limitation, however though there is technical delay of not approaching this Tribunal within time when the cause of action arose, there is no inaction on part of the applicant and the applicant prevented from sufficient cause to approach this Tribunal by filing O.A. within stipulated time. There is no inordinate or intentional delay as such. Learned counsel submits that the present M.A. deserves to be allowed.

4. Learned Presenting Officer has strongly resisted the application on the ground that there is

//3// M.A. No. 101/2023 in
O.A. St. No. 195/2023

inordinate delay, for which the applicant has not tendered satisfactory explanation. Though in the year 2014 the cause of action arose, there is total inaction on part of the applicant. Learned P.O. submits that mere filing of the representation does not give any cause of action afresh. There is no substance in the present M.A. seeking condonation of delay and the same is liable to be dismissed.

5. It appears that in the year 2016, the applicant stood retired from the post of ASI on attaining the age of superannuation. In the year 2021, the applicant has filed representation before the respondents with a request to grant him benefit of time bound promotion / ACPS and further pay him the arrears and revised his pension. Even though the applicant has filed application under RTI about the status of his grant of benefits under ACPS, however on 22.08.2022 the respondent No. 3 has provided information about ACPS, which was not given to the applicant and status of his service benefits. In view of the same, there is no delay as such. There is continuous cause of action and there is no inaction on part of the applicant and there is

//4// M.A. No. 101/2023 in
O.A. St. No. 195/2023

no inordinate or deliberate delay. In view of the same, I am inclined to condone the delay caused in filing the accompanying O.A. However, the applicant is required to be saddled with certain costs. Hence, the following order :-

ORDER

The Misc. Application No. 101/2023 is allowed in following terms:-

(A) The delay of 5 years caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.

(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)

O.A. St. No. 195/2023
(Shridhar L Lawande Vs. State of Maharashtra & Ors.)

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

DATE : 25.01.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to the respondents, returnable on 04.04.2024.

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 04.04.2024.

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

MEMBER (J)

CHAMBER APPEAL NO. 02 OF 2024
(Karbhari Mohan Bahure Vs. State of Maharashtra & Ors.)

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

DATE : 25.1.2024

ORAL ORDER :

Heard Shri C.D. Rajput, learned Advocate for the applicant.

2. Vide order dated 12.1.2024 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 26.10.2023 the office has raised the following office objection:-

1. Contact details of petitioner not mentioned
2. By name contempt notice not served upon Respondent.

3. Vide office note dated 09.01.2024 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objections are not removed.

4. The learned Advocate for the applicant appeared today. He undertakes to remove the office objection within a period of two weeks.

6. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objections in spite of repeated chances. The

:: - 2 - :: CHAMBER APPEAL NO. 02 OF 2024

fact that the Contempt Petition is filed praying to initiate Contempt Proceeding against erring and disobedient officers and they may pleased be punished as per Sec. 2 (b) of Contempt of Courts Act, 1971 for the intentional and deliberate disobedience of an order dated 21.03.2023 passed by this Tribunal in O.A. No. 745/2022 and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

(i) The Chamber Appeal No. 02/2024 is allowed as the applicant undertakes to remove the office objections within a period of two weeks.

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the Contempt Petition after removing the office objections by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

VICE CHAIRMAN