

ORIGINAL APPLICATION NO.774/2024
(Ajit Manikrao Dikle Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Anil M. Gaikwad, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities.

2. The applicant applied for the post of Assistant Professor for the subject of General Surgery in the recruitment process initiated for filling the posts in the newly established Government Medical College at Dharashiv vide advertisement no.176/2023.

3. It is the case of the applicant that he secured the top position in the merit list by scoring 70 marks. It is his further contention that his name was included in the list of recommended candidates at Sr.No.1 in Open General category. It is the further contention of the applicant that for Open candidates, there was only one seat and applicant alone was recommended for the said post. It is the further contention of the applicant that he

was also called for documents verification but to his surprise on 18-07-2024 the list which came to be published, did not contain name of the present applicant and the name of the respondent no.3 i.e. Dr. Swapnil Suresh Ugale is recommended against the said seat. In the circumstances, applicant has approached this Tribunal praying for the following reliefs:

“B] The original application may kindly be allowed.

C] Quash and set aside the impugned communication/ appointment orders dated 18.07.2024 issued by the respondent No.1 and 2, appointing the respondent No.3 on the post of Assistant Professor (General Surgery) as against the Open Category post in Government Medical College at Dharashiv in pursuance to the advertisement No. 176/2023 and direct the respondents to issue an appointment order in favour of the present applicant on the post of Assistant Professor (General Surgery) in tune with the Advertisement No. 176/2023 and recommendation by the Maharashtra Public Service Commission dated 05.03.2024 and for that purpose issue necessary orders.

D] Pending hearing and final disposal of the present application, grant stay to the execution and implementation of the

impugned order dated 18.07.2024 appointing the respondent No.3 as Assistant Professor (General Surgery) in Government Medical College at Dharashiv and for that purpose issue necessary orders.”

4. Learned Counsel for the applicant submitted that appointment is likely to be issued in favour of respondent no.3. He, therefore, prayed for staying the effect and operation of the impugned order to the extent of respondent no.3 till decision of the present O.A.

5. Learned CPO has sought time to take instructions from the respondents for filing reply. He prayed for passing appropriate order in the matter. He has, however, submitted that appointment order has already been issued in favour of respondent no.3 but he does not have instructions whether the said candidate has joined or not.

6. After having considered the submissions made on behalf of the applicant and after having gone through the documents placed on record, it is apparently revealed that, by scoring 70 marks, the applicant stood first in merit list so far as Open

candidates are concerned and his name was also recommended by the Maharashtra Public Service Commission (MPSC). In the said list name of respondent no.3 is much below the name of the applicant. Respondent no.3 has applied from EWS category and he is shown to have been selected against the Open General category. We find substance in the submissions made by the applicant. Hence, the following order is passed:

ORDER

[i] Issue notice to respondents, returnable on 23.08.2024. **Till then, respondent no.3 shall not be allowed to join if he had not already joined.**

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

[iii] 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.

[iv] 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.

[v] 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.

[vi] S.O. to 23.08.2024.

[vii] Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

YUK ORAL ORDER 25.07.2024

VICE CHAIRMAN

M.A.NO.259/2024 IN O.A.NO.340/2023
(Gangadhar s/o. Lalu Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Swapnil A. Deshmukh, learned Counsel holding for Shri M.D.Godhamgaonkar, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Present M.A. is filed seeking permission for producing on record judgment delivered by learned Additional Sessions Judge-2, Nanded on 20-05-2024 in Criminal Appeal No.17/2023 filed by the present applicant wherein he has been acquitted from the charges leveled against him. Said document be taken on record. M.A. is allowed and disposed of. No costs.

MEMBER (A)
YUK ORAL ORDER 25.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.277/2024
(Namdev Mohan Binwade Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. Learned P.O. submits that during the course of the day he will file affidavit in reply on behalf of respondent no.5. If it is filed, copy thereof be taken on record. Learned P.O. shall serve copy of the reply on the other side.

3. S.O. to 28-08-2024.

MEMBER (A)
YUK ORAL ORDER 25.07.2024

VICE CHAIRMAN

C.P.NO.65/2024 IN O.A.NO.568/2019
(Dnyanoba K. Ovhal Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri D.T.Devane, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondent no.2, returnable on 10.09.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.09.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 25.07.2024

M.A.NO.297/2024 IN O.A.NO.749/2024
(Deepali E. Beldar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application and since the cause and the prayers are identical, to avoid multiplicity of litigation leave to sue jointly granted, subject to payment of court fee stamps, if not paid earlier. M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.749/2024
(Deepali E. Beldar & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for applicants seeks leave to delete names of respondent nos.14 to 29 from the array. Leave granted. Necessary amendment be carried out forthwith.

3. After the amendment as above is carried out, issue notice to respondents, returnable on 10.09.2024. **Point of interim relief is kept open.**

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

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

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. Applicants are directed to file affidavit of compliance and notice.

8. S.O. to 10.09.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A.NO.321/2024 IN O.A.NO.776/2024
(Vyankat S. Thakke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. Learned Counsel submits that he is not pressing the application so far as applicant nos.2, 7, 8 and 10 are concerned, and the application be considered to the extent of the applicants falling under the jurisdiction of this Tribunal.

3. For the reasons stated in the application and since the cause and the prayers are identical, to avoid multiplicity of litigation leave to sue jointly granted excluding applicant nos.2, 7, 8 & 10, subject to payment of court fee stamps, if not paid earlier. M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)
YUK ORAL ORDER 25.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.776/2024
(Vyankat S. Thakke & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 25.07.2024

ORAL ORDER :

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

2. Learned Counsel submits that he is not pressing the application so far as applicant nos.2, 7, 8 and 10 are concerned, and the application be considered to the extent of the applicants falling under the jurisdiction of this Tribunal. Learned Counsel also seeks leave to add the names of persons in the list at paper book page 19 of the O.A. as party respondents. Leave granted. Amendment as above deleting names of applicant nos.2, 7, 8 & 10 and adding the abovesaid persons as party respondents be carried out till tomorrow.

3. S.O. tomorrow i.e. 26-07-2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.518/2024
(Arjun S. Gayakwad Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri Majit S. Shaikh, learned counsel for the applicant is **absent**. Shri V.G.Pingle, learned Presenting Officer for the respondent authorities is present.

2. In the present matter on previous date i.e. on 15-07-2024 following order was passed:

“None appears for the applicant. Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Today when the matter was taken up for consideration no one has caused appearance for the applicant. On the previous date also the matter remained unattended and no one caused appearance for the applicant. List the matter on 25.07.2024. if the matter is not proceeded on the same day, the same shall stand dismissed for want of prosecution.”

3. Today also none has caused appearance for the applicant. Hence the following order is passed:

ORDER

O.A. stands dismissed for want of prosecution.

MEMBER (A)
YUK ORAL ORDER 25.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.765/2024
(Sarvesh R. Pankar Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri S.S.Dambe, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 02.08.2024.

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

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

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

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 02.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.769/2024
(Vaishali V. Hinge Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 12.08.2024.

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

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

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

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 12.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

T.A. NO. 25/2024 (W.P. NO. 6400/2024)
(Pravin S/o Ashok Bhadak Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
DATE : 25.07.2024

ORAL ORDER :

Heard Smt. S.N. Suryawanshi, learned counsel holding for Shri Sanket Suryawanshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. It is the case of the applicant that vide order dated 27.7.2023 he has been transferred to Dhule, however, respondent no. 2, on whose establishment the applicant is presently working, has not relieved the applicant. Learned counsel for the applicant submitted that the Original Application No. 830/2023 was filed by one Shri Chetansing Kalyansing Rajput before this Tribunal. In the said matter applicant therein was seeking directions to cancel the transfer order of the present applicant, who was respondent no. 3 in the said matter. The aforesaid O.A. has been dismissed by this Tribunal on 11.3.2024. In view of dismissal of the said Original Application, it is the contention of the present applicant that now there has remained no

::-2-::

T.A. 25/2024
(W.P. 6400/2024)

impediment in permitting the applicant to join at Dhule according to the order of his transfer dated 27.7.2023. In the same context it is the further contention of the applicant that respondent no. 2 has illegally retained the applicant at his office and has not relieved the applicant from the duties. Learned counsel submitted that though it is true that the applicant is facing prosecution under Prevention of Corruption Act and departmental enquiry has also been initiated against him, none of the aforesaid proceedings is likely to get hampered because of transfer of the applicant at Dhule. Learned counsel submitted that none of the witnesses in the criminal case for the offences punishable under the provisions of Prevention of Corruption Act is from Dhule. The complainant is also not the resident of Dhule. In the circumstances, according to learned counsel there is least possibility of tampering of evidence in criminal case, as well as, the departmental proceedings.

3. In the circumstances, the learned counsel has prayed for interim directions to the respondents not

::-3-::

T.A. 25/2024
(W.P. 6400/2024)

to appoint or allow any other person to take charge of the post in Dhule office to which he has been transferred till decision of the present Original Application.

4. Learned Chief Presenting Officer has opposed for grant of any such interim relief. Learned C.P.O. has invited my attention to some of the observations made by the learned Single Bench of this Tribunal in paragraph nos. 48, 49 and 50 of the judgment in O.A. No. 730/2023 and in view thereof prayed for rejecting the request of the applicant for interim relief.

5. I deem it appropriate to reproduce the observations made by the learned Single Bench in paragraph nos. 48 to 50 of the order passed in O.A. no. 830/2023, which read thus:-

“48. Learned counsel for the applicant has heavily relied upon the Government Circular dated 20.04.2013, wherein it is stated that if the criminal case / Departmental Enquiry is pending against the Government servant and if his reinstatement at the same place may malign the image of the Government and therefore, the said Government servant may be transferred to any other division on the non-executive post except the place where he

was serving and suspended owing the criminal charges and Departmental Enquiry. Learned counsel for respondent No. 3 has vehemently submitted that the said Government Circular dated 20.04.2013 pertains to the employees whose reinstatement is in question. Learned counsel has submitted that the respondent No. 3 was already reinstated on the Kalyan GST office establishment in the year 2021 and the present posting by way of impugned transfer order dated 27.07.2023 is not the reinstatement. Learned counsel for respondent No. 3 submits that the said Circular does not apply in the instant case.

49. *I do not agree with the submissions made on behalf of learned counsel for respondent No. 3. If for the reinstatement purpose the Government Circular dated 20.04.2013 takes care the image of the Government. It is difficult to accept that if the Government is likely to be defamed by reinstating a person at the same place where the action was taken about the suspension, would have no defamatory effect, if the said Government servant after his reinstatement at the different place brought again to the same place where he was suspended in connection with the serious charges of the corruption.*

50. *It is difficult to digest that within a period of two years of reinstatement if the said Government servant is brought by way of so called request transfer order at the same place, the image of Government would not be maligned. In addition to maligning the image of the Government possibility of tampering with the evidence cannot be ruled out altogether. In my considered opinion, the impugned order of transfer dated 27.07.2023 is not proper, correct and legal. Accordingly, I record my finding to point No. 3 in negative.”*

6. The learned Member (J) has expressed his displeasure towards the order dated 27.7.2023, whereby the applicant has been again posted at Dhule. It is not in dispute that the applicant was trapped in the case of A.C.B. at Dhule and the criminal prosecution in that regard is pending in the Court at Dhule. For the aforesaid event the D.E. also has been initiated against the applicant and it is likely to be conducted at Dhule itself. In the circumstances, learned Member (J) candidly held that the transfer order dated 27.7.2023 is not proper and legal.

7. In view of the aforesaid observations, I am not inclined to grant any relief as has been claimed by the applicant by way of interim relief. The prayer for interim relief therefore stands rejected.

8. Issue notice to the respondents, returnable on 26.8.2024.

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

::-6-::

T.A. 25/2024
(W.P. 6400/2024)

10. 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.

11. 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.

12. 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.

13. S.O. to 26.8.2024.

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

VICE CHAIRMAN

ARJ ORAL ORDER 25.07.2024

**M.A.NO. 305 OF 2024 IN O.A.NO. 657 OF 2024
(Sudhir Ganesh Bendale Vs. State of Maharashtra & Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri P.D. Bodade, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents in M.A., returnable on 20.09.2024.

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

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

//2// M.A. 305/2024 in
O.A. 657/2024

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 20.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 25.07.2024

**M.A.NO. 307/2024 IN M.A.St.NO. 2488/2023 IN
O.A.ST.NO. 2489 OF 2023
(Sangita K. Sonawane & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri V.C. Suradkar, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. By order dated 08.04.2024 this Tribunal has dismissed the M.A.St.No. 2488/2023 in O.A.St.No. 2489/2023 in default as the learned counsel for the applicants failed to remove office objection/s and remained absent.

3. Learned counsel for the applicants submits that the name of Shri P.S. Kshirsagar was mentioned on the board on the relevant date and in fact he is hailing from Nagpur. Consequently, neither Shri P.S. Kshirsagar nor the counsel present today remained present on that date.

4. Learned counsel for the applicants submits that this relates to seeking benefit of old pension scheme and there are in all 71 applicants. Learned

//2//

counsel for the applicants submits that in the interest of justice, the delay caused in filing this Misc. Application may be condoned and the application may be restored.

5. Learned Presenting Officer submits that the appropriate order may be passed.

6. In view of above submission and for the reason stated in the application, the Misc. Application seeking restoration along with condonation of delay caused in filing the said application is deserves to be allowed. Hence, the following order:-

ORDER

- (A) M.A.No. 307/2024 is hereby allowed.
- (B) The delay of 69 days caused in filing this Misc. Application is hereby condoned and the order dated 08.04.2024 passed by this Tribunal in Misc. Application St.No. 2488/2023 In O.A.St.No. 2489/2023 is hereby recalled subject to costs of Rs. 500/- (Five Hundred only).

//3//

- (C) The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.
- (D) Upon satisfaction of the costs as above, the M.A.St.No. 2488/2023 in O.A.St.No. 2489/2023 be restored to its file.
- (D) The Misc. Application No. 307/2024 is accordingly disposed of.
- (F) M.A.St.No. 2488/2023 in O.A.St.No. 2489/2023 to come up on board on 08.08.2024.

MEMBER (J)

M.A.NO. 314 OF 2024 IN O.A.NO. 728 OF 2024
(Sikandar Vithal Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents in M.A., returnable on 20.09.2024.

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

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

//2// M.A. 314/2024 in
O.A. 728/2024

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 20.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 25.07.2024

ORIGINAL APPLICATION NO. 771 OF 2024
(Sanjay Bhanudas Barde Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notices to respondents, returnable on 14.08.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 771/2024

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

7. S.O. to 14.08.2024.

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

MEMBER (J)

SAS ORAL ORDER 25.07.2024

**O.A.NOS. 498, 499, 500 AND 501 ALL OF 2024
(Kisanrao P. Patil & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

Dr. Satish Gadge, learned counsel holding for Shri A.R. Borulkar, learned counsel for the applicants in all these O.As. and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. At the request of learned counsel for the applicants, S.O. to 20.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 921 OF 2016
(Sanjay T. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant has filed a **leave note**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. This is a part heard matter.

3. At the request of learned counsel for the applicant, S.O. to 19.08.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 710 OF 2018
(Rajendra S. More Vs. State of Maharashtra & Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

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

2. Arguments are concluded.
3. S.O. to 29.08.2024 for production of citations by the parties.

MEMBER (J)

SAS ORAL ORDER 25.07.2024

ORIGINAL APPLICATION NO. 495 OF 2023
(Raziabee Shaikh Mohammed Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 06.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 781 OF 2018
(Suryakant M. Garude & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 13.08.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 453 OF 2020
(Bhatu R. Mahale Vs. State of Maharashtra & Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri V.P. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 25.07.2024

**ORIGINAL APPLICATION NO. 619 OF 2021
(Rahul R. Wakle Vs. State of Maharashtra & Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

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

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

MEMBER (J)

SAS ORAL ORDER 25.07.2024

ORIGINAL APPLICATION NO. 53 OF 2023
(Satish K. Marathe Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 04.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 489 OF 2020
(Subhash O. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri Suniket A. Kulkarni, learned counsel holding for Shri H.P. Randhir, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. In view of above, list the matter for admission hearing on 04.09.2024 with liberty to the other side to file reply, if any, till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 370 OF 2021
(Jyoti K. Mote Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondents will be filed.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 29.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 134 OF 2024
(Ashok D. Bankar Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1,2 & 4. The same are taken on record

3. Learned P.O. submits that the respondent No.3 is adopting the affidavit in reply filed on behalf of respondent Nos. 1,2 & 4.

4. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 18.09.2024.

MEMBER (J)

M.A.NO. 306/2023 IN O.A.ST.NO. 666/2023
(Ganesh R. Gorde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Sudhir Patil, learned counsel holding for Dr. Kalpalata Patil- Bharaswadkar, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants on instructions submits that during pendency of this Misc. Application seeking condonation of delay, the grievance raised by the applicants has been redressed. Learned counsel for the applicants thus on instructions seeks leave to withdraw the Misc. Application seeking condonation of delay so also the Original application on stamp. Leave granted.

3. The Misc. Application so also the Original Application on stamp stand disposed of as withdrawn. No order as to costs.

MEMBER (J)

**M.A.NO. 83 OF 2024 IN O.A.ST.NO. 288 OF 2024
(Rama C. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.
3. S.O. to 14.08.2024.

MEMBER (J)

M.A.NO. 394/2023 IN O.A.ST.NO. 1553/2023
(Gajanan S. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 25.07.2024

ORIGINAL APPLICATION NO. 827 OF 2023
(Shashikant N. Deulgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

Shri Satish B. Parnere, learned counsel for respondent No.4, is **absent**.

2. Learned counsel for the applicant on instructions submits that the small issue is involved in this matter and in view of same, the possibility of settlement exists. Learned counsel for the applicant thus requested to place the present matter before the ensuing **Lok Adalat**.

3. In view of above, list the matter before the ensuing **Lok Adalat** scheduled to be held on 21.09.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 290 OF 2024
(Asha B. Garud Vs. State of Maharashtra & Ors.)**

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

DATE : 25.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 29.07.2024 for hearing.

3. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 348 OF 2024
(Shubham W. Ramasane Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

Shri A.A. Khande, learned counsel for respondent No.4, is **absent**.

2. Learned counsel for the applicant seeks time to file affidavit in rejoinder, if necessary.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 08.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 830 OF 2018
(Shailendra H. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri S.B. Patil, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri M.V. Bhamre, learned counsel for respondent No.5.

2. Part heard.
3. S.O. to 01.08.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 853 OF 2018
(Pramod C. Bute Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The Original Application is hereby dismissed.
Reasons to follow.

MEMBER (J)

ORIGINAL APPLICATION NO. 862 OF 2018
(Kiran S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

None present for the applicant. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. The Advocate representing the applicant is no more.

3. In view of the same, issue office notice to the applicant, returnable on 09.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 362 OF 2021
(Usha A. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel holding for Shri H.P. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1046 OF 2022
(Sangram Govind Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri P.A. Kulkarni, learned counsel for the applicant (**Absent**). Heard Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer submits a copy of order dated 20.12.2022 issued by the Sub-Divisional Officer, Deglur. Same is taken on record and marked as document 'X' for identification. On perusal of the same, it appears that by the said order dated 20.12.2022, the applicant came to be reinstated by revoking his suspension order dated 11.07.2022.

3. In view of the same, nothing survives for further consideration in the present Original Application, since the applicant is seeking directions to the respondents to revoke the suspension order dated 11.07.2022. This appears to be the reason that the applicant is not interested in prosecuting the present matter and his counsel is also remained absent. The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1138 OF 2022
(Nilesh S. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri Dipesh Pande, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.09.2024 for hearing.

MEMBER (J)

O.A. No. 414/2023 with M.A. No. 360/2023
(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. It appears that though M.A. for amendment filed by the applicant is directed to be heard along with O.A., however, on making query with the learned counsel for the applicant, it reveals that the learned counsel would refer the said M.A. while arguing the matter finally.

3. In the backdrop of this, learned Presenting Officer seeks time to file affidavit in reply in M.A. Time granted.

4. S.O. to 09.08.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri P.B. Umrani, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that the original record in connection with the transfer of the applicant is now received. Learned P.O. submits that Shri Sushil Suresh More, Assistant Section Officer from the office of respondent No. 1 has brought this record from Mumbai. Learned P.O. thus seeks leave to take out the Xerox copy of said original record and place it before this Tribunal, if so needed. Learned P.O. submits that however during the course of the day learned counsel for the applicant may examine the original record.

3. At the request of learned counsel for the applicant, S.O. to 01.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 758 OF 2023
(Krishna D. Akat Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri C.A. Shingare, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 3 & 4, are present.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is given to learned Presenting Officer and learned counsel appearing for respondent Nos. 3& 4.

3. S.O. to 30.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 799 OF 2023
(Sheetal N. Ebitwar Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions from the applicant submits that at present due to resignation submitted by the Superintendent, Parbhani, one post of Superintendent is vacant in the office of Charity Commissioner, Parbhani.

3. Learned Presenting Officer is directed to take instructions in this regard and also take further instructions as to whether the applicant can be accommodated at Parbhani on the vacant post in the ensuing Annual General Transfers of the year 2024.

4. S.O. to 01.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1025 OF 2023
(Girish B. Lonari Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri N.N. Bhagwat, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri G.V. Wani, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer submits that now the original record is received. Learned P.O. seeks leave to place on record the Xerox copy of relevant documents from the original record and return the original file to the employee, who has brought the same. Learned P.O. submits that however during the course of the day learned counsel for the applicant may examine the original record.

3. Learned counsel for the applicant has no objection if the Xerox copies of the original record are kept on record and original record is returned to the employee, who has brought the same after inspection is carried out by learned counsel.

4. At the request of learned counsel for the applicant, S.O. to 06.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 26 OF 2024
(Chandrakant G. Ubale Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.08.2024 for hearing.

MEMBER (J)

O.A. Nos. 990, 991, 992 & 993 all of 2023
(Rakesh M. Shirsath & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As.

2. All these Original Applications are hereby allowed. Reasons would follow.

MEMBER (J)

KPB ORAL ORDER 25.07.2024

M.A. No. 31/2024 in O.A. St. No. 2484/2023
(Dr. Balkrishna N. Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri P.R. Tandale, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, re-issue notices to the respondents in M.A., returnable on 23.09.2024.

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

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

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

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

7. S.O. to 23.09.2024.

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

MEMBER (J)

M.A. No. 322/2024 in O.A. No. 708/2024
(Shobhabai M. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 08.08.2024.

MEMBER (J)

KPB ORAL ORDER 25.07.2024

ORIGINAL APPLICATION NO. 818 OF 2021
(Dr. Ashwini Ashokrao Patil Vs. The State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Amol Jagtap, learned counsel for respondent No. 9, are present.

Shri Ajit Kadethankar, learned counsel for respondent No. 6, Shri Akshay H. Joshi, learned counsel for respondent No. 7 and Shri S.G. Kulkarni, learned counsel for respondent No. 8 (**absent**).

2. S.O. to 19.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 16 OF 2022
(Vd. Piyush K. Gandhi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri M.R. Kulkarni, learned counsel for respondent Nos. 4 to 7, are present.

2. S.O. to 19.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 115 OF 2019
(Santosh Bansi Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Satish P. Dhobale, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, learned counsel for the applicants has requested for keeping the present matter for amicable settlement before the **LOK ADALAT** to be held on 21.09.2024.

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

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 160 OF 2024
(Dr. Archana Baburao Dhavale Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant has filed leave note. Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, **is present**.

Shri S.K. Kadam, learned counsel for respondent No. 5 (**absent**).

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 3 and the same is taken on record. Learned P.O. undertakes to serve the copy of affidavit in reply on the other side.

3. S.O. to 23.08.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 01/2020 IN O.A.NO. 824/2016
(Dr. Asha Apparao Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned counsel for the petitioner and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the order passed by this Tribunal in O.A. No. 824/2019, a contempt of which is alleged in the present petition, has been complied with by the respondents.

3. In view of the submissions so made, the contempt petition stands disposed of with no order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 274/2024 IN O.A.ST.NO. 259/2024
(Satish Suresh Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 22.08.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 25.07.2024-HDD

M.A.NO. 271/2024 IN O.A.NO. 155/2024
(Pradeep Maganlal Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 25.07.2024

ORAL ORDER :

Heard Shri B.R. Kedar, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Presenting Officer for the respondent authorities, Shri Ajay S. Deshpande, learned counsel for respondent Nos. 3 & 6 and Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 5 & 7.

2. Learned counsel for the applicant submits that the events which are occurred during the pendency of the O.A. are to be brought on record with the contextual prayers.

3. Learned counsel appearing for the respondents in the matter have submitted for passing appropriate orders.

4. We have gone through the pleadings in the O.A. as well as in the present application. It does not appear to us that any such pleading is taken by the applicant, which will change the nature of the O.A. or prayers made

:: - 2 - :: M.A. 271/2024 IN O.A. 155/2024

therein. Moreover, all these events which are sought to be brought on record are admittedly of the period subsequent to filing of the O.A. We are, therefore, inclined to allow the present Misc. Application. Hence, the following order is passed: -

ORDER

- (i) The Misc. Application is allowed. The necessary amendment be carried out within one week. The amended copy of the O.A. be placed on record.
- (ii) It would be open for the respondents who have not filed affidavit in reply to the O.A. may file consolidated reply to the O.A. as well as amended portion of the O.A.
- (iii) Accordingly, the Misc. Application stands disposed of however, without any order as to costs.
- (iv) The Original Application to come up for hearing on 13.08.2024.

MEMBER (A)

VICE CHAIRMAN