

ORIGINAL APPLICATION NO. 1137 OF 2024
(Rakesh I. Waster (Died) Through L.Rs. Bhagyashri R.
Waster & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri S.K. Chavan, learned counsel for the applicants, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. S.O. to 18.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1149 OF 2024
(Dnyaneshwar Madan Bankar Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Heard Shri Vikram L. Bhange, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 28.11.2024.

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.

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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 28.11.2024.

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

MEMBER (J)

SAS ORAL ORDER 25.10.2024

ORIGINAL APPLICATION NO. 1305 OF 2024
(Rajaram R. Bendkoli Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has pointed out that the applicant is working in the cadre of Assistant Director & Public Prosecutor at Chh. Sambhajinagar and he is holding the additional charge of the post of Deputy Director of Prosecution at Chh. Sambhajinagar since 11.07.2023.

3. By impugned order dated 21.10.2024 the respondent No.3 has now been given the additional charge of the post of Deputy Director of Prosecution at Chh. Sambhajinar. By order dated 24.10.2024 passed in this Original Application, this Tribunal has referred the Government Circular dated 05.09.2018 particularly paragraph No. 2 (1) and directed the learned P.O. to take specific instructions as to why even though applicant is senior most person of the said station, the charge is given to some other person who is junior to the applicant.

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O.A. 1305/2024

4. Learned P.O. has placed before this Tribunal the copy of communication dated 25.10.2024. The same is taken on record and marked as document 'X' for the purpose of identification. On perusal of the same it appears that the entry in the service has been considered and accordingly the additional charge has been given to the respondent No.3. In fact the respondent No.3 was working as Additional Public Prosecutor, at Nanded and she was promoted as Assistant Director & Public Prosecutor by order dated 15.10.2024, whereas the applicant came to be promoted in the 2014. It appears that the seniority of the applicant in the cadre is not considered.

5. ***In view of same, the impugned order dated 21.10.2024 (Annexure 'A-1') is hereby stayed till the next date of hearing.***

6. Issue notice to respondents, returnable on 21.11.2024.

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

//3// O.A. 1305/2024

8. 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.

9. 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.

10. 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.

11. S.O. to 21.11.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 1052 OF 2024
(Manohar K. Gokhale Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Ms. Preeti R. Wankhade, learned counsel for respondent No.5, are present.

2. Learned P.O. and learned counsel for respondent No.5 seek time to file affidavit in sur-rejoinder with the assurance that the copy thereof will be served in advance on learned counsel for the applicant on or before 11.11.2024. Time granted.

3. S.O. to 13.11.2024 for hearing **in urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 1252 OF 2024
(Ganesh B. Mahadik Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, 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 P.O., S.O. to 18.11.2024 **in urgent admission category**. Status quo granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 25.10.2024

ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. It is a part heard matter. S.O. to 14.11.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 687 OF 2021
(Vipul R. Bhagwat Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri I.D. Maniyar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. S.O. to 18.11.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 845 OF 2022
(Mayur M. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

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

2. It is a part heard matter. S.O. to 14.11.2024 for further hearing.

MEMBER (J)

SAS ORAL ORDER 25.10.2024

ORIGINAL APPLICATION NO. 289 OF 2024
(Sultan Usman Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the purpose of filing of this Original Application will be fulfilled if the directions are given to the respondents to decide the application/representation submitted by the applicant dated 31.01.2023 (Annexure 'A-5').

3. Learned Presenting Officer submits that liberty may be given to the respondents to decide the said application/representation dated 31.01.2023 submitted by the applicant on its own merits.

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

ORDER

- (i) The Original Application is hereby partly allowed.

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- (ii) The respondents are hereby directed to decide the application/representation dated 31.01.2023 (Annexure 'A-5') submitted by the applicant as expeditiously as possible preferably within the period of two months from the date of this order on its own merits.
- (iii) In case of any adverse order is passed, the applicant is at liberty to approach this Tribunal again.
- (iv) In the circumstances, there shall be no order as to costs.
- (v) The Original Application is accordingly disposed of.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1186 OF 2024
(Deepak L. Dantulwar Vs. State of Maharashtra & Ors.)**

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

DATE : 25.10.2024

ORAL ORDER :

Shri D.T. Devane, 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 21.11.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1210 OF 2024
(Ravindra S. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel holding for Shri I.S. Thorat, 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 12.11.2024 for hearing **in urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 407 OF 2024
(Vikram V. Kedare Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri S.G. Sonawane, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 3 along with spare copy for the other side.

3. List the matter for filing affidavit in rejoinder, if any on 26.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 869 OF 2024
(Asha D. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Ms. Rutuja N. Pukle, learned counsel holding for Shri H.P. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 & 3. The same is taken on record and copy thereof is given to other side today itself.

3. List the matter for filing affidavit in rejoinder, if any on 11.11.2024. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1013 OF 2024
(Vaishali Subhashrao Bhalavi Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that by Government order dated 14.10.2024 the extension has been granted to the applicant and in view of same, nothing survives for further consideration in this Original Application. The said order dated 14.10.2024 is taken on record and marked as document 'X' for the purpose of identification.

3. In view of above, the Original Application is disposed of. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1093 OF 2024
(Kalpana D. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 22.11.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 129 OF 2024
(Bhimrao V. Mhaske Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri P.M. Gaikwad, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent No.5, are present.

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

3. S.O. to 22.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1277 OF 2024
(Suresh G. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent No.1. The same is taken on record and copy thereof is given to other side today itself.
3. Learned counsel for the applicant seeks time to go through the same and file affidavit in rejoinder, if any.
4. S.O. to 11.11.2024.

MEMBER (J)

**O.A.NO. 1257/2024 WITH Caveat No. 67/2024
(Dr. Sudhir P. Choudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 25.10.2024

ORAL ORDER :

Shri Ajay Deshpande, learned counsel holding for Shri J.B. Choudhari, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.R. Barlinge, learned counsel for respondent No.4/Caveator, are present.

2. Learned P.O. has placed before us the xerox copies of the minutes of meeting of Civil Services Board. However, so far as the proposal in connection with the E computer No. 854663 which includes the name of the applicant is concerned, the same is not the part of the Xerox copies placed before us.

3. In view of same, the learned P.O. is directed to call the original record particularly the proposal in connection with E. computer No. 854663.

4. S.O. to 29.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1245 OF 2024
(Chandrakant P. Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri Jiwan J. Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to other side today itself.
3. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.
4. In view of above, list the matter for admission hearing on 18.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 292 OF 2024
(Maruti V. Surwase Vs. State of Maharashtra & Ors.)

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

DATE : 25.10.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 5. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any on 22.11.2024.

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

MEMBER (J)

M.A.NO. 601/2019 IN O.A.ST.NO. 2211/2019
(Jubirruddin H. Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 17.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 208 OF 2024
(Sangita Ashruba Chitale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned Presenting Officer appears for respondent No. 1 and seeks time for filing affidavit in reply. Time granted.

3. S.O. to 29.11.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

C.P.NO. 31/2024 IN O.A.NO. 472/2023
(Bajirao Eknath Gadade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned counsel for the petitioner submits that the order in question is complied with and thus, nothing survives for further consideration in the present contempt petition.

3. In view of the same, the contempt petition stands disposed of however, without any order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

C.P.NO. 40/2024 IN O.A.NO. 424/2022
(Raosaheb Khandu Jare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day affidavit in reply will be filed. If it is filed the same be taken on record and copy thereof be served upon the other side.

3. S.O. to 18.11.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 901 OF 2023
(Aitwar Vaijanath Sambayya Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Even though last chance is granted, no affidavit in reply has been filed.

3. In view of the same, list the matter for admission hearing on 20.12.2024 with liberty to the other side to file affidavit in reply if any till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 77 OF 2024
(Pralhad Vithalrao Kiske Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri Hemant More, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has filed rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned Presenting Officer today itself.

3. S.O. to 10.12.2024 for hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 909 OF 2023
(Prashant Suhash Fatak Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri Kartik Katariya, learned counsel holding for Shri N.B. Narwade, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant submits that the applicant is not intending to file rejoinder affidavit. List the matter for hearing on 20.12.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 503 OF 2024
(Emam Najir Mirza Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri B.P. Gonare, learned counsel holding for Shri I.D. Maniyar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file rejoinder affidavit. Time granted.

3. S.O. to 28.11.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 594 OF 2024
(Bharat Bhagwan Mhaske Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 05.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 455/2023 IN O.A.ST.NO. 1772/2023
(Yashwant K. Khadse Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri M.S. Mahajan, learned counsel holding for Shri Anand Chawre, 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 16.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 206/2024 IN O.A.NO. 608/2021
(State of Maharashtra & Ors. Vs. Pawansing Ratansing Bight)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Mrs. Deepali S. Deshpande, learned counsel for the applicants in M.A./respondents in O.A. and Shri A.S. Deshmukh, learned counsel for the respondent in M.A./applicant in O.A.

2. Learned Presenting Officer, on instructions, submits that the order in question has been complied with and, as such, nothing survives for further consideration in the M.A. 206/2024.

3. Learned counsel for the respondent in M.A./applicant in O.A. also accepts the same.

4. In view of the same, the M.A. No. 206/2024 In O.A. No. 608/2021 stands disposed of as infructuous. No order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

C.P.NO. 94/2024 IN O.A.NO. 180/2021
(Chandrashekhar Suresh Kulthe Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Issue simple notice to the respondents, returnable on 28.11.2024.

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 28.11.2024.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 528/2023 IN O.A.ST.NO. 2059/2023
(Smt. Varsha DEvidas Indore & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri N.T. Tribhuwan, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 along with spare copy. The same is taken on record.

3. Learned Presenting Officer submits that other respondents are adopting the affidavit in reply filed by respondent No. 2.

4. In view of above, list the matter for hearing on 07.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION ST. NO. 2150/2023
(Ulhas M. Khating Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant does not want to press prayer clause 'B' and restricted his O.A. to the extent of prayer clause 'C' alone. In view of the same, objection about delay etc. are not sustainable.

3. Issue simple notice to the respondents, returnable on 28.11.2024.

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)

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O.A. ST. NO. 2150/2023

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 28.11.2024.

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

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 1312/2024
(Santosh S. Muley Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to amend the O.A. Time granted.

3. S.O. to 27.11.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 1303 OF 2024
(Astikee Rohidas Ahirrao Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri R.R. Awhad, learned counsel holding for Shri N.L. Choudhari, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 25.11.2024. **Learned C.P.O. is directed to take instructions in this regard.**

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 25.11.2024.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 456/2018 IN O.A.ST.NO. 1919/2018
(Santosh S. Muley Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

None appears for respondent No. 3.

2. S.O. to 06.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 563/24 IN M.A. 518/24 IN O.A. 1238/24
(Balasaheb Natha Kapse & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Heard Shri M.S. Mahajan, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents in delay condonation application, returnable on 18.12.2024.

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 18.12.2024.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 564/2024 IN O.A. 1307/2024
(Tanuja Babasaheb Jagtap Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Heard Shri J.B. Choudhar, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents in delay condonation application, returnable on 18.12.2024.

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 18.12.2024.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1255 OF 2024
(Kirti Shivajirao Ruikar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 18.12.2024.

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 18.12.2024.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1284/2024
(Dr. Trupti V. Birajdar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Since nobody appears for the applicant, S.O. to 03.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 68/2020 IN O.A.ST.NO. 2452/2019
(Swati Prashant Patil Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri V.A. Munde, learned counsel holding for Shri R.D. Khadap, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 249/2020 IN O.A.ST.NO. 1009/2019
(Bharat Sajan Maher Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri V.A. Munde, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 348/2022 IN O.A.ST.NO. 1262/2022
(Deorao Saluba Aher Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 20.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 134/2022 IN O.A.ST.NO. 1419/2021
(Chate Shankar Dhondiba Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. Since nobody appears for the applicant, S.O. to 06.01.2025.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

M.A.NO. 16/2022 IN O.A.ST.NO. 1505/2021
(Ramesh Rajaram Kulthe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. S.O. to 06.12.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 310/2023
(Prashant B. Karkhelikar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 along with spare copy for other side.

3. S.O. to 18.12.2024 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORAL ORDER 25.10.2024-HDD

ORIGINAL APPLICATION NO. 1061 OF 2024
(Varsha M. Kalyankar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Not on Board. It is taken on Board at the request of learned counsel for the applicant.

3. Issue notice to the respondents, returnable on 19.12.2024.

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 19.12.2024.

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

MEMBER (A)

MEMBER (J)

**O.A. NOS. 107, 491, 473, 572, 573, 574 AND 575 ALL
OF 2023**

(Sanjay Nagamwad & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 25.10.2024

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 28.11.2024 for admission hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 682 OF 2023
(Dr. Suresh G. Ghule Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri A.B. Basarkar, learned Presenting Officer for the respondent authorities, are present.

Shri D.K. Rajput, learned counsel for respondent No. 4, is **absent**.

2. S.O. to 13.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 681 OF 2023
(Dr. Prashant R. Ghodke Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

Shri R.T. Deshmukh, learned counsel for respondent No. 4, is **absent**.

2. S.O. to 13.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 957 OF 2022
(Manik S. Desale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that she has received para-wise reply from the respondents and the same will be filed after Diwali Vacations.

3. S.O. to 21.11.2024 for filing affidavit in reply.

MEMBER (A)

**M.A. No. 542/2024 in O.A. No. 1283/2024 with
Caveat Nos. 65 & 69 both of 2024
(Yogesh C. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)**

DATE : 25.10.2024

ORAL ORDER :

Shri S.S. Thombre, learned counsel for the applicants, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri A.B. Chalak, learned counsel holding for Shri A.R. Lukhe, learned counsel for caveator (Caveat No. 65/2024) and Shri S.E. Shekde, learned counsel for caveator (Caveat No. 69/2024), are present.

2. We have heard learned counsel for the applicants for some time.

3. Learned Chief Presenting Officer seeks time to take specific instructions about the impugned order dated 10.10.2024 (Exhibit-H, page No. 291 of paper book). Time granted.

4. S.O. to 29.10.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 807 OF 2022

(Mohd. Razakhan Mohd Abdul Sattarkhan Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)**

DATE : 25.10.2024

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned counsel for the applicant and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities.

2. It appears from the submissions made before us from both the sides that the Departmental Enquiry is not likely to be commenced before completion of the Election process. In case, if the Departmental Enquiry is commenced immediately, the applicant would be at liberty to circulate the present matter before the Vacation Judge.

3. S.O. to 24.11.2024 for hearing.

MEMBER (A)

MEMBER (J)

C.P. No. 20/2024 in O.A. No. 792/2023
(Jyoti R. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. In view of the affidavit in reply filed on behalf of respondent No. 2, S.O. to 04.12.2024.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDER 25.10.2024

ORIGINAL APPLICATION NO. 16 OF 2022

(Vd. Piyush K. Gandhi & Ors. Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 818 OF 2021

(Dr. Ashwini A. Patil Vs. State of Maharashtra & Ors.)

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

and

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

O.A. No. 16/2022

Shri Avinash Deshmukh, learned counsel for the applicants, Shri M.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.

O.A. No. 818/2021

Smt. Suchita Dhongde, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned counsel for respondent No. 8, are present.

Shri Ajit Kadethankar, learned counsel for respondent No. 6, Shri A.H. Joshi, learned counsel for respondent No. 7 and Shri A.T. Jagtap, learned counsel for respondent No. 9, are **absent**.

2. S.O. to 29.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1262/2024
(Vajnath A. Galande Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities for some time.

2. Learned counsel for the applicant submits that all the respondents have been duly served and service affidavit to that effect will be filed during the course of the day in the office.

3. On last date, learned Chief Presenting Officer has placed before us a copy of communication dated 15.10.2024 received from respondent No. 1. However, considering the documents at page Nos. 71 to 73 (Annexure A-12 collectively), we direct learned Chief Presenting Officer to file short affidavit supported by relevant documents to substantiate the said communication dated 15.10.2024. We also direct learned C.P.O. to call the original record of DPC meeting held on 08.10.2024.

4. S.O. to 11.11.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 752/2022
(Manisha C. Panchal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 28.11.2024 for filing affidavit in reply on behalf of respondent No. 1. The Interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 1004/2024
(Vaijinath A. Kute Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri Ashish Hazari, learned counsel holding for Shri A.B. Chalak, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned C.P.O., S.O. to 26.11.2024 for filing affidavit in reply on behalf of respondents. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 426/2020
(Sunil S. Pagare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 12.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 427/2020
(Rahul B. Chaudhare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. By consent, S.O. to 12.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 196/2021
(Sandip P. More Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 468/2022
(Smita S. Ingle Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Ms. Pradnya Talekar, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)
KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 525/2022
(Somnath B. Satbhai Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri Dhananjay Mane, learned counsel for the applicant (**Absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 25.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 109/2023
(Maroti V. Kadam Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. At the request of learned C.P.O., S.O. to 11.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 590/2023
(Rajendra A. Shirsat Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 151/2024
(Dipak S. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and
Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

2. S.O. to 29.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

ORIGINAL APPLICATION NO. 482/2024

(Tushar V. Deore & Ors. Vs. State of Maharashtra & Ors.)

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

and

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri K.P. Rodge, learned counsel for the applicants (**Absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 28.11.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)

KPB ORAL ORDER 25.10.2024

MEMBER (J)

M.A. No. 315/2024 in O.A. No. 660/2023
(Dnyaneshwar R. Chowdhar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
and

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

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

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

3. Leave to amend prayer clause B-1 to insert the portion that the applicant may be permitted to insert paragraphs in consequence with the prayer clause B-1 and B-2.

4. Learned counsel for the applicant submits that the respondents have filed affidavit in reply in the O.A., wherein the specific stand is taken that the applicant do not possess the requisite qualification in terms of Rule 3(C) of the Maharashtra Medical Insurance Services, Class-II (Recruitment Rules), 1985. In view of the same, the applicant is seeking amendment in the Original Application by challenging the said Rules.

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MA 315/2024 in
OA 660/2023

5. Learned Presenting Officer submits that the appropriate order may be passed. However, in case, the amendment is allowed, liberty may be granted to the respondents to file additional affidavit in reply, if any in O.A.

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

ORDER

- (i) M.A. No. 315/2024 is hereby allowed.
- (ii) The applicant is permitted to insert the prayer clause B1 and B2 in the Original Application.
- (iii) The applicant shall carry out necessary amendment in the O.A. within a period of two weeks from the date of this order. The amended copy of O.A. be placed on record, so also, the same shall be served on the other side.
- (iv) The respondents are at liberty to file additional affidavit in reply in O.A., if any.
- (v) The M.A. is accordingly disposed of. No order as to costs.
- (vi) O.A. come up on board on 19.12.2024.

MEMBER (A)

MEMBER (J)

O.A. NO. 1241/2024 WITH M.A. NOs. 527, 530, 534, 535, 536, 537, 538, 539, 540, 541, 545, 546, 547, 549, 550, 554/2024

(Dr. Sharayu S. Andhale & Ors. Vs. State of Maharashtra & Ors. Dr. Anand T. Londhe & Ors.)

O.A. NO. 1248/2024

(Sanjay T. Gawande & Ors. Vs. State of Maharashtra & Ors.)

M.A. NO. 548/2024 IN O.A. NO. 1297/2024

(Dr. Ashwini B. Gunjal & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 1295/2024

(Dr. Pranali B. Dighe & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 1302/2024

(Rahul A. Kharat Vs. State of Maharashtra & Ors.)

(THROUGH VIDEO CONFERENCE)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 25.10.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel holding for Sanjay Bhosale, learned counsel for the applicants in O.A. Nos. 1241/2024 and M.A. Nos. 548/2024 in O.A. No. 1297/2024, Shri Sandeep S. Dere, learned special counsel for respondent authorities and Smt. V.R. Vaichare, learned counsel holding for Shri V.T. Sakolkar, learned counsel for the applicants in M.A. Nos. 527, 530, 534, 535, 536, 537, 538, 539, 540, 541, 545, 546, 547, 549, 550/2024 and Ms. Pradnya Talekar, learned counsel for applicants in M.A. No. 554/2024. Smt. Usha

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Jadhao, learned counsel for applicant in O.A. No. 1302/2024 and also holding for Shri Manoj Dond, learned counsel for the applicant in O.A. No. 1295/2024.

2. This is motion for speaking to minutes.

3. We have heard and considered the speaking to minutes to the extent of clause (ii) of the operative part of order passed by this Tribunal on 24.10.2024.

4. After having heard all the parties, it appears to us that clause (ii) may not be necessary. In view of the same, clause (ii) of the operative part of order dated 24.10.2024 stands deleted. The corrected order be issued accordingly to all concerned.

4. Motion for speaking to minutes accordingly stands disposed of. No order as to costs.

MEMBER (A)

MEMBER (J)

O.A. NO. 1241/2024 WITH M.A. NOs. 527, 530, 534, 535, 536, 537, 538, 539, 540, 541, 545, 546, 547, 549, 550, 554/2024

(Dr. Sharayu S. Andhale & Ors. Vs. State of Maharashtra & Ors. Dr. Anand T. Londhe & Ors.)

O.A. NO. 1248/2024

(Sanjay T. Gawande & Ors. Vs. State of Maharashtra & Ors.)

M.A. NO. 548/2024 IN O.A. NO. 1297/2024

(Dr. Ashwini B. Gunjal & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 1295/2024

(Dr. Pranali B. Dighe & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 1302/2024

(Rahul A. Kharat Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 24.10.2024

ORAL ORDER :

A.S. Deshmukh, learned counsel holding for Sanjay Bhosale, learned counsel for the applicants in O.A. Nos. 1241/2024 and M.A. Nos. 548/2024 in O.A. No. 1297/2024, Shri Sandeep S. Dere, learned special counsel for respondent authorities and Shri V.T. Sakolkar, learned counsel for the applicants in M.A. NOs. 527, 530, 534, 535, 536, 537, 538, 539, 540, 541, 545, 546, 547, 549, 550/2024 and Ms. Pradnya Talekar, learned counsel for applicants in M.A. No. 554/2024.

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O.A. NO. 1241/2024 & Group

Shri G.L. Deshpande, learned counsel for the applicants in O.A. No. 1248/2024, Smt. Usha N. Jadhav, learned counsel for the applicants in O.A. No. 1302/2024, Shri Manoj A. Dond, learned counsel for the applicants in O.A. No. 1295/2024.

2. We have heard both the sides for some time. The present matter pertains to the recruitment to the post of Medical Officer, Group-A in pursuance of the advertisement no. 01/2024 issued on 31.01.2024. In terms of the said advertisement, total 1729 posts were advertised, out of which 1446 posts were for the candidates holding qualification of MBBS and 283 posts were for the candidates holding the qualification of BAMS.

3. So far as the posts for the candidates holding the qualification of BAMS are concerned, the unsuccessful candidates have approached to this Tribunal on various grounds prominent among it that the candidates were not provided with the answer key, they are not being informed the raw marks obtained by them in the written examination and in consequence thereof they had no opportunity to raise their objections. It is also the ground raised by them that the guidelines of GR dated 04.05.2022,

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O.A. NO. 1241/2024 & Group

which prescribes the process of recruitment including the selection process and MOU with the Company, who has been given the contract to complete the recruitment process so also the selection process. It is also argued vehemently that though on priority basis the Post Graduate candidates for the post of BAMS are required to be considered and certain additional marks are also required to be allotted to the experience, the same has not been done.

4. Learned Special counsel appearing for the respondent authorities submits that for filling in 283 posts of Medical Officers (Group-A) BAMS, total 22981 applications have been received online. Consequently, it was decided to hold the written examination and all the candidates including the present applicants herein have voluntarily appeared in the said examination without raising any objection. Further the written examination was required to be taken in multiple sifts. In view of the same, the decision was taken to use and apply normalization methodology. Learned Special counsel submits that there is record available that the said normalization methodology has been successfully

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used and applied. In view of the same, issuance of answer key and communicating the raw marks and inviting objections from each and every candidate would have been irrelevant and might be the empty formality. Learned Special counsel also pointed out that the aforesaid G.R. as referred by the applicants in their submissions is applicable to Non-gazetted Group-B, Group-C and Group-D candidates and not for Group-A.

5. Learned Special counsel has placed before us the chart prepared as per the recent instructions and submits that on 05.10.2024, the appointment orders, subject to verification of documents, have been issued and in response to that movement order has been issued to 173 selected candidates, who have joined the respective PHC as specified in the appointment orders and so far as remaining 104 candidates are concerned, their appointments are kept on hold because of interim order passed by this Tribunal in O.A. Nos. 1241 and 1248 both of 2024 on 11.10.2024. Learned Special Counsel has clarified that in all 277 candidates were present for documents verification in view of the appointment orders issued to them and the said chart demonstrates their status as on today.

6. Due to paucity of time, since three working days remained before Depawali Vacation, it may not be possible for us to decide this matter on its merit. Further, even on yesterday and today also certain unsuccessful candidates have appeared before the Tribunal by filing Original Applications and their matters are also taken along with this group. There are number of Original Applications pending before us for consideration.

7. By order dated 11.10.2024 passed in O.A. Nos. 1241 and 1248/2024, the Division Bench of this Tribunal has passed the interim order - (i) staying the execution and implementation of the select list/result list published on 05.10.2024 by respondent no. 06 and the communication dated 07.10.2024 issued by respondent no. 05 until further orders and (ii) also directed respondent no. 01 to issue directions to all the Regional Deputy Directors of Health Services not to get resumed the candidates selected vide the selection list published on 05.10.2024 until further orders by this Tribunal.

8. At the time of passing of the aforesaid interim order, it was unfortunately not brought to the notice

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of the Tribunal that the appointment orders have been issued to the selected candidates subject to verification of documents.

9. In view of above, since all these Medical Officers, Group-A are supposed to be mostly at Primary Health Centre across the State, before the selection process is concluded to its logical end, the Medical Officers who were working on contractual basis, their respective contracts will get terminated as soon as new selected incumbent joins the post. Thus considering the entire aspect of the case, we are of the opinion that the aforesaid interim order dated 11.10.2024 needs modification with certain riders. Hence, we pass the following order :-

ORDER

The interim order passed by this Tribunal dated 11.10.2024 in O.A. Nos. 1241 and 1248 both of 2024 is hereby modified as under:-

(i) The concerned respondent shall issue appointment orders to the selected candidates of the regions which come within the territorial jurisdiction of this Bench of the Tribunal, as per the select/merit

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

OFFICE NOTES

TRIBUNAL'S ORDERS

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O.A. NO. 1241/2024 & Group

list with a note in bold letters that "The said appointments shall be subject to outcome of pending Original Applications before the Maharashtra Administrative Tribunal Mumbai, Bench at Aurangabad."

*In view of Honble
Tribunal's order dated-
25.10.2024, Clause
(ii) stands deleted.*

*Amundel
28/10.2024
H.C.R.*

(ii) In case, if appointment orders have already been issued as in the case of 177 candidates, they shall also be informed in writing that "their appointments would be subject to outcome of the pending Original Applications before the Maharashtra Administrative Tribunal Mumbai, Bench at Aurangabad."

(iii) S.O. to 22.11.2024.

MEMBER (A)

MEMBER (J)