

**ORIGINAL APPLICATION NO.224/2022**  
**(Jayprakash Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri S.S.Jadhavar, learned Counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities.

2. Vide order passed on 12-08-2022, present matter was directed to be proceeded without reply of the respondents. After passing the said order, though the matter was time to time adjourned till this date, respondents have not made any attempt to file affidavit in reply by praying to recall the order dated 12-08-2022. In the circumstances, today the matter is heard finally without reply of the respondents.

3. Applicant has filed the present O.A., aggrieved by the impugned order dated 30-08-2021 whereby respondent no.2 had suspended the applicant. Learned Counsel for the applicant submitted that the order of suspension has been revoked by the respondents on 04-07-2022. Learned Counsel, however, submitted that the applicant has filed the present O.A. challenging the validity of the

impugned order. Learned Counsel submitted that the impugned order has been passed by respondent no.2 under Rule 4(1)(a) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, which reads thus:

*“4. Suspension.- (1) The appointing authority or any authority to which the appointing authority is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Governor by general or special order may place a Government servant under suspension-*

*(a) where a disciplinary proceeding against him is contemplated or is pending,”*

4. Reading out the entire impugned order, learned Counsel submitted that in the said order, it is nowhere contended or disclosed that any disciplinary proceeding was pending or contemplated against the applicant. Learned Counsel, therefore, submitted that when there was no enquiry pending against the applicant nor it was contemplated, there was no reason for passing the impugned order. Learned Counsel has, therefore, prayed for setting aside the impugned order.

5. As I have noted hereinabove, the respondents have failed to file affidavit in reply. As such, there is nothing on record from the side of the respondents to counter the submissions of the applicant. Learned P.O. has sought to contend that in the Tipni / note which was approved by the concerned authority on 30-08-2021, perhaps, there may be reasons incorporated and when the said Tipni/note is referred while passing the order of suspension, the order of suspension cannot be said to be unsustainable or not in accordance with rule 4(1)(a) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Learned P.O. has, therefore, prayed for dismissal of the O.A.

6. Read the order of suspension dated 30-08-2021, impugned in the present O.A. When the suspension is ordered under Rule 4(1)(a) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 it must have been expressly mentioned in the said order that the disciplinary proceeding against the applicant is either pending or is contemplated. The impugned order does not contain any such fact.

7. For the sake of argument even if it is accepted that, the office note dated 30-08-2021 may be containing such information, the respondents have not brought on record the said office note. Though the matter was directed to be proceeded without reply of the respondents, there was no bar for placing on record the copy of the said office note dated 30-08-2021. No such record is produced to show that the departmental proceeding has been initiated against the applicant. In absence of any such information and the documents, it has to be held that the applicant was suspended vide the impugned order though neither the departmental proceeding was pending nor contemplated against him. Such an order cannot be sustained and has to be set aside. It is accordingly set aside. It need not be stated that as the order of suspension is set aside, the applicant shall be entitled for all consequential benefits of the period from 30-08-2021 to 04-07-2022.

8. O.A. stands disposed of in the aforesaid terms without any order as to costs.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.895/2019**  
**(Dinkar K. Shelar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri Prafullasing H. Patil, learned Counsel holding for Shri P.B.Patil, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities.

2. Applicant has sought following relief:

*“B] The impugned letter dated 20/08/2019 may please be quashed and set aside.*

*C] It may please be declared that, the period of absentee from 10/04/2001 to 06-07/04/2004 may be held as duty period and it may please be declared that, applicant is entitled for pay and allowances from 10/04/2001 to 06-07/04/2004.*

*D] It may please be ordered to respondents to pay and allowances alongwith another monetary benefits for a period of 10/04/2001 to 06-07/04/2004 with payment of Gratuity, earned leave, part pension with other consequential benefits to the applicant as per his entitlement with interest @ 18% p.a. from the date of entitlement till the date of realization of entire amount.”*

3. It is the grievance of the applicant that though he retired on 30-09-2013 on attaining the age of superannuation, total retiral benefits are not

remitted in his favour and only provisional pension is paid to him and remaining retiral benefits are withheld by the respondents. As is revealing from the communication dated 20-08-2019 which is impugned in the present O.A., respondents have withheld the said amounts on the ground that a Criminal Appeal No.376/2004 against the order of acquittal dated 22-12-2003 recorded in favour of the applicant by the Special Court at Jalgaon in Special Case (ACB) No.17/2001 for the offences punishable u/s.7, 12, 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988, is pending before the Hon'ble High Court.

4. Learned Counsel for the applicant relying on the judgment of the Hon'ble Bombay High Court Bench at Aurangabad passed in **W.P.No.6650/2020** in the case of **Ashfakali Khan Abdulali Khan V/s. State of Maharashtra & Ors.** decided on 25-10-2021 submitted that merely on the ground that a criminal appeal is pending against acquittal of a Government employee in the criminal case filed against him, retiral benefits cannot be withheld. Learned Counsel in the circumstances has prayed for allowing the O.A. in view of the law laid down by

the Division Bench of the Hon'ble High Court in the aforesaid judgment.

5. In view of the submissions made, it appears to me that the present O.A. can be disposed of. I deem it appropriate to reproduce the entire judgment, *cited supra*, delivered by the Hon'ble Bombay High Court in Writ Petition No.6650/2020 as the same is a short judgment, it reads thus:

*"1. We have considered the strenuous submissions of the learned Advocates for the respective sides. The learned Advocate for respondent Nos.2 and 3 and the learned AGP have vehemently opposed this petition and pray for it's dismissal. It is pointed out that though the petitioner has been acquitted for committing offences punishable under sections 7 and 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 vide judgment dated 19/07/2019 in Special Case (ACB) No.07/2007, a criminal appeal challenging such acquittal is pending in this Court.*

*2. The petitioner has put forth prayer clause B, C and D as under :-*

*"B. By Writ, order or directions the respondent No.2 and 3 may kindly be directed to fix final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under*

*the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of justice.*

*C. By writ, order or directions the respondent No.2 and 3 may kindly be directed to pay the difference of final regular pension deducting the amount paid to the petitioner by way of provisional pension from 01.07.2017 till the actual grant of regular pension as per 7th Pay Commission and to pay interest @ 12% on regular pension from 20.07.2019 till the grant and payment of actual regular pension and for the payment of interest on the amount payable to the petitioner of gratuity from 01.07.2017 till the actual payment of gratuity in the interest of justice.*

*D. Pending hearing and final disposal of this Writ Petition the respondent No.2 and 3 may kindly be directed to fix the final pensionable pay and to grant regular pension, gratuity and commutation of pension to the petitioner as per 7th Pay Commission as provided under the Maharashtra Civil Services (Pension) Rules, 1982 in the interest of Justice."*

*3. It is settled Law that gratuity cannot be forfeited unless the offence amounting to moral turpitude is proved to have been committed by the petitioner, u/s 4, 6(d)(2) of the Payment of Gratuity Act, 1972 and in the light of the judgment delivered by the Hon'ble Apex Court in the matter of Union Bank of India and others Vs.C.G.Ajay Babu and another [(2018) 9 SCC 529].*



4. *The learned Advocate for the Corporation submits that the provisional pension is being granted to the petitioner. He, however, cannot point out any provision under the MCS (Pension) Rules, 1982 that an appeal pending against acquittal would empower the employer to hold back regular pension.*

5. *In the light of the facts as recorded above and keeping in view that an appeal against the acquittal is pending adjudication, the petitioner need not be made to suffer the rigours of litigation, though, we intend to pass an equitable order.*

6. *In view of the above, this petition is partly allowed in terms of prayer clause "B" with the following rider :-*

*[a] The petitioner shall tender an affidavit/undertaking to respondent No.3 Municipal Commissioner stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of the monetary reliefs that he would be getting in view of this order.*

*[b] After such affidavit is filed satisfying the above stated ingredients, the Corporation shall initiate steps for compliance of prayer clause "B" and ensure that such compliance is made within 12 (twelve) weeks from the*

*date of the filing of such affidavit by the petitioner.”*

6. The issue is no more *res-integra* that mere pendency of the criminal appeal will not come in the way of paying the retiral benefits in its totality to the retired Government employee, if he is otherwise entitled for the same and by obtaining necessary undertaking in that regard all such benefits can be remitted in favour of the Government employee.

7. In the affidavit in reply filed in present matter nothing has been pointed out by the respondents except that the criminal appeal noted as aforesaid is pending against the applicant.

8. In the case before the Hon'ble High Court, *cited supra*, grievance of the applicant was that on the ground of pendency of the criminal appeal, retiral benefits in totality were not given to the said petitioner and in that circumstances, relief was sought in terms of prayer clause (B) in the said petition. Hon'ble High Court after having considered the submissions had allowed the said petition in terms of clause (B). Reading of the prayer clause (B) makes it explicitly clear that directions were sought

for fixing final pensionable pay and to grant regular pension, gratuity and commutation of pension, etc.

9. In view of the decision rendered by the Hon'ble High Court as above, I see no difficulty in allowing the present O.A. in so far as grant of the retiral benefits are concerned which are withheld on the ground of pendency of appeal against the present applicant.

10. In view of discussion as above, O.A. stands disposed of with the following order:

ORDER

[i] The applicant shall tender an affidavit / undertaking to respondents stating therein that if he suffers an adverse order in the pending proceedings for challenging the acquittal and his acquittal is converted into conviction, he shall return the entire gratuity amount and the other retiral benefits received to him within 8 weeks from such adverse judgment, subject to his right to challenge the said judgment. All consequences flowing from such conversion of acquittal into conviction would bind the petitioner to the extent of

the monetary reliefs that he would be getting in view of this order.

[ii] After such affidavit is filed satisfying the above stated ingredients, the respondents shall take decision in respect of the prayers made in prayer clause (C) and (D) of the O.A. and if the applicant is held entitled for the reliefs claimed by him, shall release the admissible pay and allowances within 12 weeks from the date of filing of the undertaking/affidavit by the applicant.

[iii] O.A. stands disposed of in aforesaid terms without any order as to costs.

**VICE CHAIRMAN**

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

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri Ajinkya Mirajgaonkar, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present. Shri Amit Savale, learned counsel for respondent no. 2 (**absent**).

2. At the request of learned counsel for the applicant, S.O. to 3.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 692/2022**  
**(Avinash T. Dhongde Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri AS Deshmukh, learned counsel for the applicant, Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri VB Wagh, learned counsel for respondent no. 3, are present.

2. The learned CPO has tendered across the bar the copy of communication received to his office from the State Government of today's date. It is taken on record. In view of the said communication, the learned PO has sought time. Granted. The matter will be now heard on 30.11.2022.

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

**VICE CHAIRMAN**

**O.A. NOS. 740, 741, 742, 743, 745, 746 ALL OF  
2019, O.A. NO. 01/2021 AND O.A. NO. 45/2021  
(Natharao Dodabe & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri MB Bharaswadkar, learned counsel for the applicants in all these matters and Shri IS Thorat, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 3.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 1087/2019**  
**(Ravindra B. Chobe Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri JS Deshmukh, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. 4.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022



**ORIGINAL APPLICATION NO. 144/2021  
(Vitthal Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

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

2. S.O. 9.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 301/2019**  
**(Sakharam B. Rakh Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri VG Pingle, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present. Shri SB Mene, learned counsel for respondent nos. 2 to 4 (**leave note**).

2. S.O. 18.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 835/2019**  
**(Sanjay M. Churmurkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri AS Deshmukh, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present. Shri SB Mene, learned counsel for respondent nos. 2 to 4 (**leave note**).

2. S.O. 10.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 1011/2019**  
**(Vitthal S. Lokhande Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri VB Wagh, learned counsel for the applicant and Shri BS Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. 5.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 1031/2019**  
**(Baswaraj Swami & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri KM Nagarkar, learned counsel for the applicant (**absent**). Shri IS Thorat, learned Presenting Officer for the respondent authorities, is present.

2. S.O. 6.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 585/2020**  
**(Andan B. Datar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Smt. Vidya Taksal, learned counsel for the applicant (**absent**). Shri SK Shirse, learned Presenting Officer for the respondent authorities, is present.

2. S.O. 9.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 160/2021  
(Mayur Sonawane Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri AS Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. 10.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 270/2021**  
**(Nanda Solanki & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri AS Deshmukh, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. 10.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022



**ORIGINAL APPLICATION NO. 393/2021**  
**(Anjanabai Ingale & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri AS Deshmukh, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. 10.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 25/2022**  
**(Shailesh Gavit Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Smt. Sai Joshi, learned counsel for JP Legal Association for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. 10.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 63/2022**  
**(Sandeep Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri KG Salunke, learned counsel for the applicant  
(**leave note**). Shri NU Yadav, learned Presenting Officer  
for the respondent authorities, is present.

2. S.O. 6.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 179/2022**  
**(Raju Somvanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri PB Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. 22.12.2022 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 132/2021**  
**(Bhanudas Tarte Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Smt. Priya R. Bharaswadkar, learned counsel holding for Shri RN Bharaswadkar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.
3. S.O. to 19.1.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 174/2022**  
**(Sakharam Rakh Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri VG Pingle, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present. Shri SB Mene, learned counsel for respondent nos. 2 to 4 **(leave note)**.

2. S.O. 18.1.2023 for final hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 292/2022**  
**(Ramkisan Mavai Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri JB Choudhary, learned counsel for the applicant (**leave note**). Shri DR Patil, learned Presenting Officer for the respondent authorities, are present. Shri BS Deshmukh, learned counsel for respondent no. 3 (**absent**).

2. Though last chance and one more last chance were granted to the respondent no. 2 for filing the affidavit in reply, it is not yet filed.

3. Hence, the matter be placed for hearing on 18.1.2023 without having on record the reply of respondent no. 2.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 366/2022**  
**(Rahul Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri KB Jadhav, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has tendered across the bar the rejoinder affidavit on behalf of the applicant. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 10.1.2023 for hearing.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022



**ORIGINAL APPLICATION NO. 648/2022  
(Nilesh Sapkale Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri MK Bhosale, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.12.2022 for filing rejoinder affidavit.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 667/2022**  
**(Dr. Pradeep Vaisnav Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri VB Wagh, 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 PO, as a one more last chance, S.O. to 20.12.2022 for filing the affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 739/2022**  
**(Gajendra T. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri SR Patil, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 4.1.2023 for filing the affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 753/2022**  
**(Shrawankumar Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri Amol Kokad, 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 PO, S.O. to 18.1.2023 for filing the affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 862/2022  
(Shankar Patange Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri AS Khedkar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 19.1.2023 for filing the affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 956/2022**  
**(Vijay Shringare Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri JB Choudhary, learned counsel for the applicant (**Leave Note**). Smt. MS Patni, learned Presenting Officer for the respondent authorities, is present.

2. At the request of learned PO, S.O. to 19.1.2023 for filing the affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO. 987/2022**  
**(Fatema Rahim Beg & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri TK Rathod, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 6.1.2023 for filing the affidavit in reply of the respondents.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**MA NO. 167/2022 IN OA ST. NO. 553/2022  
(Agatrao Kolekar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri HP Jadhav, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 19.1.2023 for filing the affidavit in reply of the respondent nos. 1 to 4.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022



**MA NO. 407/2019 IN OA ST. NO. 1458/2019  
(Savita U. Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri PB Salunke, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel submits that the applicant does not wish to file rejoinder. Hence place the matter for hearing on 19.1.2023.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**MA NO. 404/2022 IN OA NO. 330/2022  
(Datta B. Nannaware & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri GG Kore, learned counsel for the applicants and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the reply on behalf of respondent no. 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 19.1.2023 for filing rejoinder affidavit, if any, by the applicant.

**VICE CHAIRMAN**

ARJ ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.496/2022**  
**(Ramesh Walke Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

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

2. Present O.A. is filed seeking following relief:

*“(A) The Hon’ble Tribunal be pleased to direct the respondent No.1 and 2 to regularize the suspension period of the applicant for service and pensionary benefits.*

*(B) The Hon’ble Tribunal be pleased to direct the respondent No.1 and 2 to decide and allow the proposal dated 28-01-2020 filed by the respondent No.3 for regularization the suspension period of the applicant for service and pensionary benefits.*

*(C) The Hon’ble Tribunal further be pleased to hold and declare that the applicant is eligible for regularization the suspension period for service and pensionary benefits as per Sub-rule 3 and 4 of Rule 72 of the Maharashtra Civil Services (Joining Time, Foreign Services, And Payment During Suspension, Dismissal and Removal) Rules, 1981.”*

=2= O.A.NO.496/2022

3. Though the notice in the present O.A. was issued on 17-06-2022, till date the respondents have not filed affidavit in reply.

4. Applicant is seeking regularization of period of his suspension. Respondent no.3 after having considered the request of the applicant has forwarded proposal in that regard to respondent no.2 on 28-01-2020. As has been contended in the present O.A., respondent no.1 has not taken any decision on the proposal so forwarded.

5. In the above circumstances, without going into the merits of the contentions raised by the applicant, present O.A. can be disposed of with the following directions:

ORDER

(i) Respondent no.1 shall take decision on merits and in accordance with law in regard to the proposal dated 28-01-2020, forwarded by respondent no.3 to it within 8 weeks from the date of this order.

(ii) O.A. stands disposed of in the aforesaid terms without any order as to costs.

**VICE CHAIRMAN**

**M.A.NO.316/2022 IN O.A.ST.NO.973/2022**  
**(Rama Waghmare & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri H.V.Patil, learned Counsel for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities

2. M.A.No.316/2022 is preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, since the cause and the prayers are identical and applicants have prayed for same relief, to avoid the multiplicity of litigation, leave to sue jointly is granted, subject to payment of court fee stamps, if not paid. M.A.No.316/2022 is disposed of. No costs.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION ST.NO.973/2022  
(Rama Waghmare & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri H.V.Patil, learned Counsel for the applicants and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities

2. When the present matter is taken up for consideration, apparent delay is revealed in filing the O.A. Learned Counsel seeks time to file proper application seeking condonation of delay and sought time. Time is granted.

3. S.O. to 16-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**M.A.NO.507/2022 IN O.A.ST.NO.1956/2022  
(Ashok Diwan Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

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

2. Delay of 662 is stated to have occurred in filing the present O.A. Learned Counsel has prayed for condoning the delay for the reasons which are stated in the M.A.

3. In the present matter, I deem it appropriate to issue notice to the respondents simultaneously in M.A. as well as O.A., returnable on 16-01-2023.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with

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M.A.NO.507/2022 IN O.A.ST.NO.1956/2022

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 16-01-2023.

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

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022



**ORIGINAL APPLICATION NO.697/2022**  
**(Mohammad Shahejada Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri G.N.Kulkarni, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 17-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.698/2022**  
(Ahmed Khan Inayak Khan Vs. State of Maharashtra & Ors.)

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri G.N.Kulkarni, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 17-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION ST. NO.346/2021  
(Suryakant Bhalerao Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri P.V.Suryawanshi, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 23-01-2023 for taking necessary steps.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION ST. NO.1695/2022  
(Shaukat Ullah Khan Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri P.B.Rakhunde, learned Counsel holding  
for Shri A.B.Shinde, learned Counsel for the  
applicant and Shri M.P.Gude, learned Presenting  
Officer for the respondent authorities, are present.

2. On request of learned Counsel for the  
applicant, S.O. to 20-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.313/2021  
(Pandurang Kamble Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri P.B.Rakhunde, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 18-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.41/2022**  
**(Nagesh Harne & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri Ashish Rajkar, learned Counsel holding  
for Shri Kakasaheb B. Jadhav, learned Counsel for  
the applicants and Shri B.S.Deokar, learned  
Presenting Officer for the respondent authorities, are  
present.

2. On request of learned Counsel for the  
applicant, S.O. to 04-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.680/2019**  
**(Harunbhai H. Sayyed Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri A.D.Shinde, learned Counsel for the applicant is **absent**.

Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. In view of absence of learned Counsel for the applicant, S.O. to 16-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.1061/2019**  
**(Kerba N. Jetewad Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri Shamsundar B. Patil, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. On request of learned Counsel for the applicant, S.O. to 06-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022



**ORIGINAL APPLICATION NO.158/2020**  
**(Jilani Kasim Mujawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri B.R.Jaybhay, learned Counsel for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondent authorities is present.

2. In view of absence of learned Counsel for the applicant, S.O. to 18-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.185/2020  
(Baliram Mahale Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

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

2. On request of the learned Presenting Officer, S.O. to 20-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.587/2020  
(Kumudini Sable Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri Vijay C. Suradkar, learned Counsel for the applicant is **absent**. Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities is present.

2. None appears for the applicant. Record shows that the applicant is not attending the present matter, however, in the interest of justice, adjourned to 18-01-2023.

3. If the matter is not worked out on 18-01-2023, same shall stand dismissed for want of prosecution.

4. S.O. to 18-01-2023, as a last chance.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.584/2021**  
**(Malti Kharikar wd/o. deceased Arunkumar N. Khairkar**  
**Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri Ashish Rajkar, learned Counsel holding  
for Shri Kakasaheb B. Jadhav, learned Counsel for  
the applicant and Smt. Deepali Deshpande, learned  
Presenting Officer for the respondent authorities, are  
present.

2. At the request of learned Counsel for the  
applicant, S.O. to 04-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.328/2022  
(Ashok Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri Ashish Rajkar, learned Counsel holding for Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. With consent of learned Counsel for the applicant, same is taken on record. Copy thereof has been served on the other side.

3. S.O. to 16-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.398/2022**  
**(Yuvraj Dhamik Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**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. At the request of learned Counsel for the applicant, S.O. to 16-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.448/2022**  
**(Laxmikant Gojre Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**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 P.O. submits that on the next date relevant record will be definitely produced. He has therefore sought time till then. Granted.

3. S.O. to 16-12-2022.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.332/2021**  
**(Suraj Mundhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri S.T.Chalikwar, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant submits that in the present O.A. since he has challenged some of the provisions of the G.R. dated 09-05-2017, the matter would lie before the Division Bench.

3. In view of the submission so made, matter is removed from the board with direction to the Registry to place it before the Division Bench on 19-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022



**ORIGINAL APPLICATION NO.228/2022**  
**(Dr. Saurabh Kulkarni Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri M.B.Kolpe, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The matter is not on today's board. Circulation has been sought, which is granted. Taken on board.

3. Learned Counsel for the applicant submits though amendment is allowed by order dated 21-10-2022, inadvertently the amendment has not yet been carried out. He, therefore, prayed for extension of time for carrying out the amendment.

4. Time is extended for carrying out the amendment by one week. Copy of the same be served on the other side in advance.

5. Matter is already fixed for filing affidavit in reply on 21-12-2022. Hence, S.O. to 21-12-2022.

**VICE CHAIRMAN**

**M.A.NO.368/2022 IN O.A.ST.NO.307/2022  
(Jaydatt Bhusare Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri B.B.Kulkarni, learned Counsel for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The matter is not on today's board. Circulation has been sought, which is granted. Taken on board.

3. Learned Counsel for the applicant submits that, inadvertently, notices could not be collected and hence prayed for re-issuance of notice. Granted.

4. Re-issue notices to the respondents, returnable on 16-01-2023.

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

6. 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.

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M.A.NO.368/2022 IN O.A.ST.NO.307/2022

7. 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.

8. 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.

9. S.O. to 16-01-2023.

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

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.24/2022  
(Jayant Ambhore Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri K.A.Ingle, learned Counsel for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities and Shri D.K.Dagadkhair, learned Counsel for respondent no.3, are present.

2. Learned Counsel for the applicant has tendered the rejoinder to the affidavit in reply filed on behalf of the respondents. Same is taken on record. Copy thereof be served on the other side.

3. List the matter for hearing on 20-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.585/2022**  
**(Chandrasen Lahade Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri H.P.Jadhav, learned Counsel for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Despite last chance given to the respondents, reply has not been filed. List the matter for hearing on 19-01-2013.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.783/2022**  
**(Nilabai Mumulwar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri H.P.Jadhav, learned Counsel for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondent authorities, are present.

2. Despite last chance given to the respondents, reply has not been filed. List the matter for hearing on 19-01-2013.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**ORIGINAL APPLICATION NO.624/2022**  
**(Dhananjay Mahajan Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

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

2. Learned Counsel for the applicant seeks time to file rejoinder to the affidavit in reply filed on behalf of the respondents.

3. In view of the fact that interim relief is operating in favour of the applicant one week's time is granted to file the rejoinder. If rejoinder is not filed on or before next date, matter shall be placed for hearing.

4. S.O. to 02-12-2022. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.625/2022  
(Anil Lokhande Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

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

2. Learned Counsel for the applicant seeks time to file rejoinder to the affidavit in reply filed on behalf of the respondents.

3. In view of the fact that interim relief is operating in favour of the applicant one week's time is granted to file the rejoinder. If rejoinder is not filed on or before next date, matter shall be placed for hearing.

4. S.O. to 02-12-2022. Interim relief granted earlier to continue till then.

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.734/2022**  
**(Shrimant Murkute Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri O.D.Mane, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Previously on two occasions, learned P.O. had sought time for filing affidavit. Learned P.O. again sought time for filing affidavit in reply.

3. Learned Counsel for the applicant opposed for granting time stating that 3 opportunities are already filed by the respondents. In the interest of justice, last chance is granted till 22-12-2022 by way of last chance.

4. If the reply is not filed on or before next date, matter shall be heard without reply of the respondents. S.O. to 22-12-2022.

**VICE CHAIRMAN**

**M.A.NO.563/2019 IN O.A.ST.NO.1421/2019  
(Manoj Dusane Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Shri P.B.Rakhunde, learned Counsel holding for Shri S.B.Ghute, 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 submits that applicant is not intending to file any rejoinder. Hence, list the matter for hearing on 18-01-2023.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**M.A.NO.427/2022 IN O.A.ST.NO.1518/2022  
(Sachin Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

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

2. Though amply opportunities granted, respondents have failed to file affidavit in reply in M.A. Having gone through the contents of the M.A., I am convinced that the delay which has occasioned in filing the O.A. has been satisfactorily explained. Hence, M.A. is allowed and delay caused for filing the O.A. is condoned.

3. O.A. be registered and numbered as per rules, after removal of office objections, if any.

**VICE CHAIRMAN**

YUK ORAL ORDER 25.11.2022

**M.A.NO.427/2022 IN O.A.ST.NO.1518/2022  
(Sachin Shinde Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

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

2. After registration of O.A., issue notice to the respondents, returnable on 19-01-2023.

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

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

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

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

7. S.O. to 19-01-2023.

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

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.544/2020**  
**(Dhanraj B. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 25-11-2022**

**ORAL ORDER :**

Heard Shri Yogesh H. Jadhav, learned Counsel holding for Shri Girish Nagori, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities.

2. It is the case of the applicant that he has not been paid remuneration for additional charge which was handed over to him in addition to his duties during the period between 03-07-2013 to 05-04-2016. Remuneration, allowances and expenses incurred by the applicant during the said period are claimed by him in the present O.A.

3. Respondents in their affidavit in reply have denied the eligibility of the applicant for receiving the amounts as are claimed by him stating that there is no such provision in the rules. It is the further contention of the respondents that in so far as the additional charge held by the applicant during the aforesaid period is concerned, the respondents have sanctioned additional pay of the said period amounting to Rs.29,976/- and the

cheque of said amount was attempted to be handed over to the applicant but he refused to accept the same. Learned P.O. submitted that the claim which has been made by the applicant is de-hors of the rules and as such cannot be accepted by the department.

4. During the course of hearing, learned Counsel appearing for the applicant could not bring to my notice any provision making him entitled to receive such amount. Applicant has denied the fact that cheque of the aforesaid amount was attempted to be handed over to him by the department but he refused to accept the said cheque.

5. Since, the applicant has failed in establishing his entitlement for the amounts claimed by him, no relief can be granted to the applicant and his application deserves to be dismissed and is accordingly dismissed. However, respondents are directed to remit the amount of Rs.29,976/- to the applicant within two weeks from the date of this order. There shall be no order as to costs.

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 371 OF 2021**  
**(Amrush Shankarapp Bombalge Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri A.D. Aghav, learned Counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent No. 1 and Shri G.M. Shingare, learned counsel for respondent Nos. 2 to 4.

2. The applicant has filed the present Original Application seeking direction against the respondent Nos. 2 to 4 for release of gratuity amount payable to the applicant as per the order of sanction passed by the Accountant General (A&E)-II, Maharashtra Nagpur on 04.03.2021.

3. When the present matter is taken up for hearing today, learned counsel for respondent Nos. 2 to 4 tendered a copy of letter dated 24.11.2022 written by respondent No. 4 to the Accountant General (A&E)-II, Nagpur. Same has been taken on record. The contents of the said letter reveal that the payment of gratuity amount payable to the applicant which was withheld by the said respondent is now resolved to be released to the applicant and in the circumstances, the A.G. office

//2// O.A. No. 371/2021

Nagpur has been requested to revalidate its sanction order dated 04.03.2021.

4. In the aforesaid circumstances, learned counsel for respondent Nos. 2 to 4, as well as, learned Presenting Officer have prayed for disposing of the present Original Application stating that the very purpose of the applicant behind filing the present Original Application is now fulfilled.

5. Learned counsel for the applicant did not dispute that the decision has now been taken for release of gratuity amount of Rs. 14,00,000/- to the applicant and the respondent No. 4 has therefore, requested the A.G. office, Nagpur to revalidate the sanction order dated 04.03.2021 in that regard. Learned counsel however, submitted that without any fault on the part of the applicant the gratuity amount was withheld by the respondents and in the circumstances, the applicant is entitled for getting interest on the said amount of the period of delay, which has occurred in payment of amount of gratuity to him. Learned counsel referring to the provisions under Rule 129(A) of the Maharashtra Civil Services (Pension) Rules, 1982 prayed for allowing the request made by the applicant.



6. The prayer so made by the applicant has been opposed by the respondents. Learned counsel appearing on behalf of respondent Nos. 2 to 4 and learned Presenting Officer submitted that when the applicant has not claimed any interest in the present Original Application, he cannot make any prayer beyond the prayers made in the prayer clause of the Original Application. It is further contended that the delay which has occasioned in payment of gratuity amount to the applicant is for valid and bona-fide reasons. It is further contended that no blame can be attributed on the part of the respondents in occurrence of delay in payment of gratuity amount. It is further contended that at the relevant time there were certain complaints received against the applicant which were required to be enquired into and after having made enquiry in that regard when it is noticed that the complaints so made against the applicant have not been substantiated, the decision has been taken for payment of gratuity amount.

7. The documents filed on record reveal that in the visit made on 26.06.2018 by the then Collector, Beed along with the then District Water Conservation Officer, Minor Irrigation, Zilla Parishad, Beed on 26.06.2018 it was noticed by them that the work of KT Ware done at village Golangri, Tq. and District Beed in the year

2016-17 was substandard. The said work was done under the supervision of the applicant. It was therefore the responsibility of the applicant to ensure that the work under his supervision is being carried out as per the quality requirements set therefor and is not substandard. In the circumstances, show cause notice was issued to the applicant on 28.06.2018. The applicant gave his reply to the said show cause notice on 08.07.2019. However, it was not found satisfactory and hence the decision was taken to make enquiry as about the work of KT Wares were constructed under the supervision of the applicant. In the enquiry it was revealed that the defects which were earlier noticed in the works carried out under the supervision of the applicant have been rectified by the respective contractors, who had done the said construction. It was, therefore, certified by the inspecting committee that the contractors have satisfactorily removed the defects in the construction of the said KT Wares. After receiving the said reports, the respondent No. 4 has taken a decision to release the gratuity amount payable to the applicant and has accordingly requested the AG office, Nagpur for revalidate the earlier sanction order dated 04.03.2021.

8. Having considered the facts as aforesaid, it cannot be accepted that the payment of gratuity amount was

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withheld without any reason. As has come on record, there were certain defects in the works carried out under the supervision of the applicant and the respective contractors have now removed the said defects to the satisfaction of the inspecting team, who has inspected the said works.

9. From the facts as above, it is quite evident that the gratuity amount was withheld for valid reasons and after having noticed that the defects in the construction of KT Ware have been satisfactorily removed the decision is taken for releasing the amount of gratuity. In the above circumstances, it appears to me that the request made by the applicant claiming interest on the amount of gratuity alleging that the delay has been intentionally committed cannot be accepted. It, therefore, stands rejected.

10. In view of the fact that the decision has now been taken up for releasing the gratuity amount, the very purpose of filing the present Original Application is fulfilled. In view of that nothing survives to be decided in the present Original Application. The Original Application therefore, stands disposed of with no order as to costs.

**VICE CHAIRMAN**

**M.A.NO.514 OF 2022 IN OA.ST.NO.2000 OF 2022  
(Balasaheb N. Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By this application the applicant is seeking condonation of delay of about 9 months and 13 days caused in filing the Original Application under Section 19 of Administrative Tribunals Act, 1985 challenging the impugned recovery order dated 05.02.2021 (Annex. 'A-11' in O.A.) issued by the respondent No.3, whereby the excess amount of payment of Rs.5,34,735/- paid to the applicant is ordered to be recovered from pensionary benefits of the applicant as the applicant stood retired on superannuation on 31.05.2020.

3. It is contended that the Original Application under Section 19 of Administrative Tribunals Act, 1985 ought to have been filed on or before 05.02.2021. It is however, presented on

//2// M.A.514/2022 In  
O.A.St.2000/2022

21.11.2022. Hence, there is delay of about 9 months and 19 days.

4. It is further contended that the son of the applicant was suffering from Cancer during the material period, who ultimately died on 08.10.2021 as reflected in death certificate (Annex. 'M-1')) annexed to this Misc. Application. Hence, this application for condonation of delay.

5. Learned C.P.O. for the respondents submitted that necessary order may be passed.

6. From the facts on record it is evident that the applicant retired on superannuation on 31.05.2021, which was during Covid-19 pandemic situation. Moreover, the impugned recovery order dated 15.02.2021 came to be passed also during prevailing situation of Covid-19 pandemic. The Hon'ble High Court in Suo-Motu Writ Petitions has been pleased to exempt the pandemic situation period from 15.03.2020 till 28.02.2022 in computing limitation.

7. Considering the reason mentioned by the applicant about the death of his son due to Cancer and considering the nature of proceeding taken out

//3// M.A.514/2022 In  
O.A.St.2000/2022

by the applicant, in our considered opinion, this is a fit case to take liberal view and condone the delay. Thereby no irretrievable prejudice is likely to be caused to the respondents. Refusing to condone the delay is likely to defeat the cause of justice at the threshold. Hence, we proceed to pass the following order:-

**ORDER**

- (A) Misc. Application No.514/2022 is allowed.
- (B) The delay of about 9 months and 13 days caused in filing the Original Application under Section 19 of Administrative Tribunal Act, 1985 is hereby condoned.
- (C) The Registrar is directed to register the Original Application by taking in to account other office objection/s, if any.
- (D) No order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION ST.NO.2000 OF 2022  
(Balasaheb N. Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 02.01.2023.

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

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

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

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

7. S.O. to 02.01.2023.

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

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 992 OF 2022**  
**(Hanuman V. Funde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri A.A. Nimbalkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 28.11.2022 for further consideration.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022



**ORIGINAL APPLICATION NO. 1042 OF 2022**  
**(Dr. Sangita S. Tipparse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.P. Urgunde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 06.01.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 06.01.2023.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION ST.NO. 1951 OF 2022  
(Pramod G. Ramdasi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.B. Solanke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time for complying office objection. Time granted.
3. S.O. to 05.12.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1050 OF 2022**  
**(Jaiprakash B. Ramanand Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Vijay B. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 05.01.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 05.01.2023.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 168 OF 2022  
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Bhargav B. Kulkarni, learned Advocate holding for Shri J.J. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities. Shri S.S. Chapalgaonkar, learned Advocate for the respondent No.3, **absent**.

2. At the request of the learned Advocate for the applicant, S.O. to 01.12.2022. **High On Board**.

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO.46 OF 2018 IN O.A.NO.207 OF 2015**  
**(Balika D. Tawshirkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.Y. Patil, learned Advocate holding for Shri Shaikh Mazhar A. Jahagirdar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Bhargav B. Kulkarni, learned Advocate holding for Shri J.J. Patil, learned Advocate for the respondent Nos.1 & 2.

2. At the request of the learned Advocate for the applicant and learned Advocate for the respondent Nos.1 & 2, S.O. to 01.12.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 102 OF 2021  
(Sangram U. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri Suresh D. Dhongde, learned Advocate for the applicant has filed a **leave note**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent Nos. 1 to 4 is taken on record along with extra copy for the applicant.

3. S.O. to 05.01.2023 for filing affidavit in rejoinder, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 190 OF 2022**  
**(Devendra S. Gunday Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent Nos.2 & 3 is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.01.2023 for filing affidavit in rejoinder, if any.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.222 OF 219 IN O.A.ST.NO. 851 OF 2019**  
**(Namdeo M. Bawikar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri B.G. Lathe, learned Advocate for the applicant and Smt. Sanjivani K. Deshukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks permission to placed on record the documents pursuant to order passed in farad sheet dated 25.1.2022. It is take n on record.

3. S.O. to 15.12.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 83 OF 2021**  
**(Ashok R. Tonde & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Gajanan K. Kshirsagar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 12.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 830 OF 2022**  
**(Saheb P. Kapure Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri P.A. Rathod, learned Advocate holding for Shri Abhay R. Rathod, learned Advocate for the applicant and Shri K.S. Shirse, learned Presenting Officer for the respondents.

2. Affidavit in reply filed on behalf of the respondent Nos.1 to 4 is taken on record and copy thereof has been served on the other side.

3. Learned P.O. for the respondent submits that he would take instruction and make statement on the next date about payment of provisional pension which is ordered by this Tribunal by order dated 21.09.2022.

4. Learned Advocate for the applicant seeks time for filing affidavit in rejoinder, if any. Time granted.

5. S.O. to 04.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 762 OF 2018**  
**(Sahebrao D. Deshmukh & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. At the request of the learned P.O., S.O. 02.12.2022. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 25 OF 2019**  
**(Dnyaneshwar D. Kale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Smt. Priya R. Bharaswadkar, learned Advocate holding for Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.
3. S.O. to 02.12.2022. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 870 OF 2019**  
**(Dr. Devrao S. Dakhure Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.

3. S.O. to 06.12.2022. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**ORIGINAL APPLICATION NO. 556 OF 2020**  
**(Umakant L. Bedse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. S.O. to 06.12.2022 for hearing. **High On Board.**

**MEMBER (A)**

**MEMBER (J)**

**C.P.NO.10 OF 2022 IN O.A.NO.191 OF 2021  
(Sandip W. Khadse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri A.W. Khadse, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

Shri M.D. Lonkar, learned Special Counsel for the respondents, is **absent**.

2. At the request of the learned C.P.O., S.O. to 09.12.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**ORIGINAL APPLICATION NO. 724 OF 2019**  
**(Kailas I. Chandagale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 05.12.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 156 OF 2021**  
**(Jayshree A. Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri Suresh D. Dhongde, learned Advocate for the applicant has filed a **leave note**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 05.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**ORIGINAL APPLICATION NO. 385 OF 2021**  
**(Sachin B. Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**ORIGINAL APPLICATION NO. 478 OF 2021**  
**(Syed Mujahed Syed Qutbuddin Vs. State of Maharashtra**  
**& Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 401 OF 2021**  
**(Ramreddy R. Aitwar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.B. Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 09.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**ORIGINAL APPLICATION NO. 144 OF 2022**  
**(Dr. Dayanand P. Jagtap Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

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

3. S.O. to 23.12.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 149 OF 2022**  
**(Sulochana P. Patare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 10.01.2023 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**ORIGINAL APPLICATION NO. 685 OF 2022**  
**(Nagesh G. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.R. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 07.12.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**M.A.NO.456/2018 IN O.A.ST.NO.1919/2018**  
**(Lakshman K. Nirmal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. Shri S.R. Kedar, learned Advocate for the respondent No.3, is **absent**.

2. S.O. to 23.12.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022



**ORIGINAL APPLICATION NO. 201 OF 2016**  
**(Sayyed Habib Sayyed Abdul Rahim & Ors. Vs. State of**  
**Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

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

2. S.O. to 21.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 223 OF 2016  
(Krishnakumar G. Kachawar Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri Sanjay K. Chavan, learned Advocate for the applicant and Shri D.Y. Nandedkar, learned Advocate for the respondent No.4, are **absent**.

Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 21.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 525 OF 2016**  
**(Manohar K. Borse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri S.S. Dambe, learned Advocate for the applicant (**absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 22.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 575 OF 2016**  
**(Aniket N. Mundhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities. Shri Amit S. Savale, learned Advocate for the respondent No.4, is **absent**.

2. S.O. to 22.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 578 OF 2016**  
**(C.H. Dongaonkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Smt. Suchita Dhongde, learned Advocate for the applicant has filed a **leave note**. Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned Advocate for the respondent Nos.2 to 5.

2. S.O. to 02.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 831 OF 2016**  
**(Pathan Hares Khan Pathan S. Khan Vs. State of**  
**Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 141 OF 2018**  
**(Nanda P. Bankar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri A.S. Deshmukh, learned Advocate for the respondent No.2.

2. S.O. to 23.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 242 OF 2018**  
**(Sayyed Begum Syed Mohammed Ali Vs. State of**  
**Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri U.T. Pathan, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. S.O. to 02.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 627 OF 2018**  
**(Amol B. Chaudhari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Smt. Suchita A. Dhongde, learned Advocate for the applicant has filed a **leave note**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents. Shri Kuldeep P. Mahale & Anand P. Thakare, learned Advocate for the respondent No.2, **absent**.

2. S.O. to 05.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 657 OF 2018**  
**(Ayesha F. Khan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Milind K. Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri P.B. Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. S.O. to 10.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**M.A.NO.174 OF 2022 IN O.A.NO.262 OF 2017  
(Timbak G. Phasle Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 23.12.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**O.A.NOS.192, 193 AND 194 ALL OF 2019**  
**(Kashinath T. Soundalkar & Ors. Vs. State of Maharashtra**  
**& Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicants in all these O.A.s and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities in all these O.As. Shri S.B. Mene, learned Advocate for the respondent Nos.1 & 2 in all these O.A.s has filed a **leave note**.

2. S.O. to 09.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**ORIGINAL APPLICATION NO. 385 OF 2019**  
**(Suresh U. Nande Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri P.B. Rakhunde, learned Advocate for the applicant (**absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 05.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 715 OF 2019**  
**(Sushma E. Chaudhari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri S.S. Jadhavar, learned Advocate for the applicant (**absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 06.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, Shri A.B. Rajkar, learned Advocate for the respondent Nos.5 to 12 & 14, Shri A.S. Shelke, learned Advocate for the respondent No.15 and Shri Suresh Pidgewar, learned Advocate holding for Shri N.S. Choudhary, learned Advocate for the respondent No.13.

2. S.O. to 12.12.2022 for final hearing.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 292 OF 2021**  
**(Kashinath H. Devtule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

None present on behalf of the applicant.

Heard Shri N.U. Yadav, learned Presenting  
Officer for the respondents.

2. S.O. to 09.01.2023 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

SAS ORAL ORDERS 25.11.2022

**O.A.NOS.966, 967, 968, 969, 970, 971, 972, 974,  
975, 976, 977, 978, 979 ALL OF 2019 &  
537/2020**

**(Prakash V. Deshpande & Ors. Vs. State of Maharashtra &  
Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.G. Pingle, learned Advocate for the applicants in all these O.As., Shri M.S. Mahajan, learned Presenting Officer for the respondent authorities in all these O.As, Shri N.U. Yadav, learned Advocate for the respondent No.5 in O.A.No.970 & 971 both of 2019 and Shri S.B. Patil, learned Advocate for the respondent No.5 in O.A.No.975/2019 and for respondent No.6 in O.A.No.537/2020. Shri S.B. Mene, learned Advocate for the respondent No.5 in O.A.No.968/2019 and for respondent Nos.3 & 4 in O.A.No.978/2019 has filed a **leave note**.

2. S.O. to 23.12.2022 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 685 OF 2019  
(Shivaji R. Thakare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri S.D. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 02.01.2023 for admission.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1065 OF 2019**  
**(Dr. Jahagirdar Dastgir Nizam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply to the amended O.A.

3. S.O. to 02.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 552 OF 2020**  
**(Vyankat N. Gaikwad & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri M.B. Bharaswadkar, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 4. Shri S.V. Natu, learned Advocate for respondent Nos. 8 & 9, **absent**. None present on behalf of respondent Nos. 5, 7 & 10 to 13, though duly served.

2. Record shows that affidavit in reply is filed only on behalf of respondent Nos. 1 to 4. Record further shows that in spite of grant of opportunity, the affidavit in reply is not filed on behalf of other respondents.

3. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit to the affidavit in reply filed on behalf of respondent Nos. 1 to 4.

4. S.O. to 23.12.2022 as a last chance for filing affidavit in reply on behalf of remaining respondents.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 578 OF 2020  
(Sachin S. Lokare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri R.N. Kumthekar, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Await service of notice on the respondents.
3. S.O. to 03.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 582 OF 2020  
(Muktar F. Tadvi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri D.B. Shinde, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, as a last chance, S.O. to 03.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 24 OF 2021**  
**(Dr. Vaishali S. Ganjewar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 03.01.2023.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 25.11.2022



**ORIGINAL APPLICATION NO. 786 OF 2021**  
**(Yogesh A. Misal & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri M.A. Dond, learned Advocate for the applicants (**Absent**). Heard Smt. MS. Patni, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, as a last chance, S.O. to 03.01.2023 for filing rejoinder affidavit.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 792 OF 2021**  
**(Rejendra B. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
3. S.O. to 12.12.2023.

**MEMBER (A)**

**MEMBER (J)**

**O.A. Nos. 153/2022, 154/2022 & 155/2022**  
**(Rupali J. Namewar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri G.K. Kshirsagar, learned Advocate for the applicants in all these O.As. and Shri D.R. Patil, learned Presenting Officer for the respondent authorities in all these O.As. Shri S.R. Yadav, learned Advocate for respondent No. 4 in O.A. Nos. 154/2022 & 155/2022, **absent.**

2. Learned Advocate for the applicants submits that the applicant do not wish to file rejoinder affidavit.
3. S.O. to 04.01.2023 for admission.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 169 OF 2022**  
(Nisar Kha Adbullatif Kha Pathan Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri S.N. Suryawanshi, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 04.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 177 OF 2022**  
**(Dr. Pravin K. Dhakne Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities. Shri Vaishali Shinde, learned Advocate for respondent No. 4, **absent**.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

3. S.O. to 04.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 295 OF 2022**  
**(Bhagwan K. Mane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.
3. S.O. to 05.01.2023.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 351 OF 2022**  
**(Taher Ali Mohd. Ali Shah Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri M.R. Kulkarni, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 05.01.2023.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 423 OF 2022**  
**(Appasaheb B. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri M.V. Salunke, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 05.01.2023.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**



**O.A. Nos. 487/2022 & 488/2022**

**(Rajesh J. Gangurde & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and**

**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicants in both the O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities in both the O.As.

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

3. S.O. to 05.01.2023.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 707 OF 2022**  
**(Jay B. Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri M.S. Karad, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 05.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 728 OF 2022**  
**(Chandrakant M. Chaoudante Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri P.D. Bodade, learned Advocate holding for Shri H.D. More, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 06.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 736 OF 2022**  
**(Dr. Pradeep A. Shendge Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Smt. Preeti Wankhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 06.01.2023. Interim relief granted earlier to continue till then.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 786 OF 2022**  
**(Bapusaheb B. Warale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 06.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 818 OF 2022**  
**(Dr. Pranita P. Patil & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Ms. Preeti Wankhade, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 06.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 819 OF 2022**  
(Dr. Dharmaraj A. Dudde & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Ms. Preeti Wankhade, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 06.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 874 OF 2022**  
(Dr. Vinod B. Khedkar & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.P. Urgunde, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 06.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 875 OF 2022**  
**(Dr. Anup R. Naik Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 09.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 882 OF 2022**  
**(Dr. Swati V. Phad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

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

2. Await service of notice upon the respondents.
3. S.O. to 09.01.2023.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 886 OF 2022  
(Shriniwas P. Karve Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri S.M. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 10.01.2023.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 887 OF 2022  
(Shriniwas P. Karve Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri S.M. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 10.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 921 OF 2022**  
**(Shriniwas P. Karve Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri S.M. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 10.01.2023.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 932 OF 2022**  
**(Rahul K. Gaikwad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri K.G. Salunke, learned Advocate for the applicant (**Leave Note**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record.

3. S.O. to 05.01.2023 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 933 OF 2022**  
**(Manisha S. Shinde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri K.G. Salunke, learned Advocate for the applicant (**Leave Note**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 05.01.2023.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**M.A. No. 373/2019 in O.A. No. 980/2018  
(Narayan K. Vyas Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)  
and  
Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.
3. Second set not filed.
4. S.O. to 23.12.2022.

**MEMBER (A)**

KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**



**M.A. No. 534/2019 in O.A. ST. No. 2024/2019**  
**(Subhash B. Selukar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Rahul Shimre, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.
3. S.O. to 23.12.2022.

**MEMBER (A)**  
KPB ORAL ORDERS 25.11.2022

**MEMBER (J)**

**M.A. No. 515/2022 in O.A. No. 215/2022**  
**(Sunil G. Rathi Vs. Salim Mohd. Hanif Shaikh & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**and**  
**Hon'ble Shri Bijay Kumar, Member (A)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant in the present M.A. / intervenor, Shri Avinash Deshmukh, learned Advocate for the respondent Nos. 1 & 2 in the present M.A. / applicants in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 3 to 5 in the present M.A./ respondent Nos. 1 to 3 in O.A. and Shri Mahesh Deshmukh, learned Advocate for respondent Nos. 6 to 26 in the present M.A. / respondent Nos. 4 to 26 in O.A.

2. The present applicant / intervenor has made the present Misc. Application seeking permission to intervene in O.A. No. 215/2022 as a party respondent for proper adjudication of the O.A. No. 215/2022. The grounds for intervention according to the present applicant are specified in para Nos. 13 & 14 of the present M.A., which are as follows :-

*“13) The applicant (intervener) submits that, the intervenor is working since November-2007 in the cadre of Executive Engineer and though the quota which is being breakdown since 1995 onwards. The applicant (intervener) submits that, the respondent authorities in*

//2//

M.A. 515/2022 in  
O.A. 215/2022

*their reply have explained all the details as per the Schedule-B dated 30.08.2014 showing the breakdown of quota at ANNEXURE "A-6" at Page No. 97 to 104 to the Paperbook. In view of this the issue is subjudice before the Principal Bench, which is been posted on 25.11.2022, but if any order is been passed in the present Original Application, then the prayer which has been made in the Original Application will be infructuous and the promotions which are to be effected, will be effected on the basis of present seniority list.*

*14) The applicant (intervener) submits that, though the original respondent Nos. 4 to 24 their names have been called in the zone of consideration for promotion and they are junior to the present applicant (intervener) and also they have the knowledge that, in the Original Application No. 1078/2016, in the seniority list which is been assailed, their placement is not shown, because they did not enter in the cadre of Executive Engineer, while the intervener's placement was shown at Sr. No. 742, in spite of that he senior persons are not been considered. In view of this the Original Application No. 1078/2016, which is been pending for adjudication, wherein the intervener is one of applicant and he has every hope to succeed in the Original Application, but if any order is passed, the intervener will cause great prejudice."*

3. The present applicant is working on the post of Executive Engineer, Quality Control Division, Khamgaon, Taluka Khamgaon, Dist. Buldhana. It is submitted in para No. 12 of the present M.A. that this applicant/intervenor has filed O.A. 187/2022 in respect of deemed date of promotion and the same is pending for filing affidavit in reply on behalf of respondents.

//3//

M.A. 515/2022 in  
O.A. 215/2022

4. Learned Advocate for the present applicant / intervenor orally submitted that the above-said O.A. No. 187/2022 is pending before the MAT, Bench at Nagpur.

5. During the course of initial hearing of the present Misc. Application, learned Advocate for the respondent Nos. 1 & 2 in the present M.A. / applicants in O.A., and learned Advocate for respondent Nos. 6 to 26 in the present M.A. / respondent Nos. 4 to 26 in O.A. were called upon to respond to the present intervention application. At this stage, learned Advocate for respondent Nos. 6 to 26 in the present M.A. / respondent Nos. 4 to 26 submitted that he has no objection for allowing the present applicant to intervene in the O.A. Learned Advocate for the respondent Nos. 1 & 2 in the present M.A. / applicants in O.A. has also no objection for allowing the present applicant / intervenor to intervene in O.A. Learned Chief Presenting Officer appearing on behalf of respondent Nos. 3 to 5 in the present M.A./respondent Nos. 1 to 3 in O.A. submitted that the necessary order may be passed.

6. The present Misc. Application seeking intervention in the O.A. is filed, when we are in the midst of final hearing of the O.A. Arguments in this O.A. have been substantially heard. According to the present applicant

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M.A. 515/2022 in  
O.A. 215/2022

in view of the grounds of intervention mentioned in para Nos. 13 and 14 of the present M.A., which are reproduced hereinabove, he may be allowed to intervene in the O.A. In view of no objection given by the parties as stated above and considering the grounds mentioned in para No. 13 and 14 of the present M.A., we are of the considered opinion that the present applicant / intervenor can be allowed to intervene in the O.A. to the extent and on the basis of contentions raised by him in the present M.A. and to that extent by advancing arguments, if any. Accordingly, the present Misc. Application is partly allowed strictly in following terms :-

- (i) The present applicant is allowed to join as intervenor in O.A. No. 215/2022 as respondent No. 25 to the extent and on the basis of contentions raised in para Nos. 13 & 14 of the present M.A.
- (ii) The applicants in O.A. shall carry out the necessary amendment in the O.A. forthwith.
- (iii) Accordingly, M.A. No. 515/2022 stands disposed of with no order as to costs.
- (iv) The Original Applicant No. 215/2022 will proceed further for arguments on behalf of the parties.
- (v) S.O. to 30.11.2022.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 323 OF 2019  
(Jairam V. Mitke Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 05.12.2022 for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 180 OF 2021**  
**(Chandrashekhar S. Kulthe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.
3. S.O. to 01.12.2022.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 835 OF 2018  
(Sunil K. Pawara Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri C.V. Bhadane, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The present matter has already been treated as part heard.

3. As none present for the applicant, S.O. to 05.12.2022.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 116 OF 2018  
(Sanjay M. Deokate Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

**MEMBER (J)**

KPB ORAL ORDERS 25.11.2022

**M.A.NO. 495/2022 IN O.A.NO. 538/2022**  
**(Narendra Laxman Rathod Vs. State of Maha. & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri H.P. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. By filing the present application the applicant seeks leave to amend the O.A. for bringing on record the subsequent events occurred during the pendency of the present Original Application. The applicant had filed representation dated 5.4.2022 and same was not decided by the time the applicant preferred the present O.A. After filing of the O.A., the said representation has been decided and the said fact was brought to the notice of the applicant when the respondents filed affidavit in reply. Learned counsel in the circumstances, has prayed for allowing the amendment so that the order subsequently passed during the pendency of the O.A. also be challenged by the applicant.

3. Learned Presenting Officer has submitted for passing appropriate orders.

4. In view of the fact that subsequent event is sought to be brought on record and the prayer clause is sought to be amended in that context, I am inclined to allow the present application. Hence, the following order: -

**ORDER**

Application is allowed. The necessary amendment be carried out within two weeks from the date of this order.

(ii) It would be open for the respondents to file additional affidavit in reply to the amended portion of the O.A. The respondents shall file such reply on or before 20.1.2022.

(iii) The M.A. stands disposed of however, without any order as to costs.

(iv) The Original Application to come up for hearing on 20.1.2023.

**VICE CHAIRMAN**

**M.A.NO. 284/2021 IN O.A.ST.NO. 823/2021  
(Sandipan G. Kale Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Shri R.A. Joshi, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 8.2.2023.

**VICE CHAIRMAN**

ORAL ORDERS 25.11.2022-HDD

**M.A.NO. 403/2021 IN O.A.ST.NO. 1539/2021  
(Uttamrao S. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

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

2. S.O. to 11.1.2023.

**VICE CHAIRMAN**

ORAL ORDERS 25.11.2022-HDD

**M.A.NO. 156/2022 IN O.A.ST.NO. 621/2021  
(Bhimrao S. Bilappatte Vs. State of Maharashtra & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 9.1.2023.

**VICE CHAIRMAN**

ORAL ORDERS 25.11.2022-HDD

**M.A.NO. 67/2022 IN O.A.ST.NO. 196/2022**  
**(Aasaram S/o Puna Jadhav Vs. State of Maha. & Ors.)**

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

**DATE : 25.11.2022**

**ORAL ORDER :**

Heard Shri Anand S. Deshpande, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. The present application is filed seeking condonation of delay, which has occurred in filing the O.A. annexed to this M.A. by the applicant. In the O.A. the following prayers are made: -

**“A.** To direct the respondents to consider and decide the representations/ applications dated 05/08.01.2001, 25.10.2002, 11.07.2003, 28.06.2004, 18.03.2005, 28.10.2015, 19.12.2018 and 20.10.2021 preferred by the present applicant, thereby seeking change in the date of his birth from 16.05.1965 to 17.09.1967 in the service record of the applicant.

**B.** To direct the respondents to carry out the correction to the birth date of the applicant from 16.05.1965 to 17.09.1967 in the service record of the applicant.”

3. The applicant joined the Government services in the year 1997. According to the contention of the applicant, his correct date of birth is '17.9.1967'. However, in the service record the same was recorded as '16.5.1965'. It is the contention of the applicant that in the year 2001 he first made an application seeking correction in his date of birth and thereafter had submitted several representations respectively on 25.10.2002, 11.07.2003, 28.06.2004, 18.03.2005, 28.10.2015, 19.12.2018 and lastly on 20.10.2021, however, none of the said representations has been decided by the respondents. It is the further contention of the applicant that after having failed in getting the relief from the departmental authorities the applicant has ultimately approached this Tribunal.

4. Learned counsel further submitted that since the applicant was bona-fide prosecuting the remedy of making representations with the respondent authorities and was hopeful that his grievance would be certainly redressed by the said authorities, he did not knock doors of any Court or Tribunal at earlier occasion. Learned counsel further submitted



that on 30.9.2021 the Deputy Director, Sports and Youth Department, State of Maharashtra, Pune, required the applicant to place certain documents on record and accordingly the applicant has complied with the said directions; however, even thereafter claim of the applicant has not been decided. It is further contention of the applicant that the applicant cannot be said to have committed any delay in approaching this Tribunal as lastly the cause of action arose on 30.9.2021 when certain documents were sought and were accordingly provided by the applicant. Learned counsel further submitted that the applicant is agitating for his genuine claim and if the delay allegedly caused in filing the O.A. is not condoned the applicant's opportunity to be there in Government service for more 2 years would be lost.

5. Learned counsel appearing for the applicant relying on the following judgments has prayed for condoning the delay, which has occasioned in preferring the O.A. by him.

- (i) N. Balkrishan Vs. M. Krishnamurthy, 1998 AIR (SC) 3222;

(ii) Improvement Trust, Ludhiana Vs. Ujagr Singh and others, 2010(6) SCC 786; and

(iii) Shri Ramesh Daga Chaudhari Vs. State of Maharashtra & Others, O.A. No. 897/2018 decided by M.A.T. Aurangabad Bench on 22.4.2019.

6. Learned Presenting Officer has opposed for condoning the delay. He submitted that the applicant who entered into the Government service in the year 1997 did not diligently took the steps for causing correction in his date of birth and has approached this Tribunal at the fag end of his service. He submitted that the applicant would be retiring in the month of May, 2023. He further submitted that from the documents, which are filed on record by the applicant, the representation dated 20.10.2015 only can be said to have been received to the office of the respondents and the same is duly referred in the communication dated 30.9.2021. He submitted that from the record it is evident that the applicant did not take appropriate steps within the stipulated period and, as such, there seems no case in favour of the applicant even for condoning the delay. He, therefore, prayed for rejecting the application.

7. I have duly considered the submissions advanced by the learned counsel appearing for the applicant and learned Presenting Officer appearing for the respondents.

8. As provided under Section 20 of the Administrative Tribunals Act, 1985, the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. Sub-section (2) of Section 20 reads as under: -

**“20. Application not to be admitted unless other remedies exhausted :-**

(1)    --    --    --    --    --    --    --  
--    --    --    --    --    --    --

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(a) if a final order has been made by Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or

representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

9. Section 21 of the Administrative Tribunals Act pertains to limitation for admission of the application by the Tribunal. It reads thus: -

**“21. Limitation.-** (1) A Tribunal shall not admit an application,-

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been

made, within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court,

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause(b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

10. It is the case of the applicant that he made the first representation seeking correction in his date of birth in his service book on 5.1.2001. It is the further contention of the applicant that thereafter he continued to make such representations till 19<sup>th</sup> December, 2018. It is his further contention that on 30<sup>th</sup> September, 2021, respondent No. 3 called upon the applicant to furnish certain information about (i) the evidence produced on behalf of the applicant in respect of his date of birth while taking admission in Zilla Parishad Primary School at Sasde, Tq. Shahada, District Dhule and (ii) the certificates of passing SSC and HSC examination. It is the further contention of the applicant that he gave reply to the said letter on 20.10.2021 and furnished the required documents. However, since thereafter he did not receive any response from the respondents, has filed present application before this Tribunal. As such, according to the applicant, there is no delay and if it be there, is of a very short period.

11. The contentions so made on behalf of the applicant are not acceptable in the facts and circumstances which are there on record. It is the

case of the applicant himself that very first representation was made by him on 5.1.2001 seeking correction in his date of birth. It is his further contention that the said representation / request was made by him well within the period of 5 years of his joining the Government services. Now it will be useful to see the contents of his letter/ representation allegedly submitted by him on 5.1.2001. It reads thus:-

“जाधव आसाराम पूना  
द्वारा: त्रम्ब्यक दत्तात्रय पाटील  
प्लॉट नं. १९/ज विजय पोलीस कॉलनी,  
वडीभोकर रोड, देवपूर, धुळे  
दिनांक : ०५.०१.२००१

प्रति,

मा. उपसंचालक,  
क्रीडा व युवक सेवा,  
मुंबई विभाग मुंबई.

विषय : सेवा पुस्तकात चुकलेल्या जन्म दिनांक दुरुस्ती प्रस्तावाचे मार्गदर्शन मिळणे बाबत.

महोदय,

वरील विषयास अनुसरून मी आसाराम पूना जाधव शारीरिक शिक्षण निदेशक जिल्हा क्रीडा अधिकारी कार्यालय, वडीभोकर रोड, देवपूर, धुळे विनंती पूर्वक अर्ज करतो कि माझी दिनांक १५ जुलै १९९७ साल क्रीडा विभागात सदरच्या पदावर नेमणूक झाली आहे.

महोदय मी एक अनुसूचित जमातीचा उमेदवार असून माझ्या शाळेच्या दाखल्यातील जन्म तारखेत मला वयाने मोठे दाखविलेले असल्याचे माझ्या कुटुंबातील मोठे बहीण व भावाचे म्हणणे असल्याने मला खरे जन्मप्रमाणपत्र मिळवून त्यातील जन्मतारखा नोकरीच्या ठिकाणी बदलण्यासाठीचा प्रस्ताव

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आपल्याकडे सादर करावयाचा असल्याने मला सदरच्या जन्म तारखा दुरुस्ती कामी कोण कोणते कागदपत्र पाठविणे आवश्यक आहे. त्याबाबतचे मौलिक मार्गदर्शन मिळावे हि विनंती.

आपला विश्वासू

सही/-”

12. Perusal of the aforesaid letter leaves no doubt that it was not an application seeking correction in the date of birth. Vide the aforesaid letter the applicant had sought guidance from respondent No. 3 as to which documents he was supposed to furnish with the office for seeking correction in the date of birth. According to the applicant's own version he did not receive any reply to the said letter. As per the further contention of the applicant second representation was sent by him on 25.10.2002. The fact apart whether this representation was in fact made by the applicant, since the applicant has not placed on record any due acknowledgement receipt evidencing that the respondents have received the said application, it is apparent that such representation was made by the applicant beyond the period of 5 years of his entering in the Government service. It is not in dispute that he entered into the Government service on 15.7.1997.



Thereafter, though the applicant is claiming to have forwarded several representations/reminders, copies of those representations/reminders are not filed on record either in present M.A. or in the accompanying O.A. It is, therefore, difficult to accept the contention of the applicant that he did submit such representations on the given dates.

13. The question further arises as to whether making of representations one after another for years together would extend the limitation as prescribed in Section 21 of the Administrative Tribunals Act, 1985. In the present matter the applicant is claiming to have made representations from the year 2001 till the year 2018. The provisions under sections 20 & 21 of the Administrative Tribunals Act cannot be interpreted to mean that the period of limitation shall be reckoned from the last representation made by the applicant, even if it may have been made after 17 years, as is in the present case, from the date of his making first representation. Conjoint reading of the provisions made under section 20 & 21 of the Administrative Tribunals Act make it quite clear that

after representation is made by an employee to the concerned authority raising any grievance, if the said authority fails to consider his request either way for the period exceeding six months, the employee shall approach the Administrative Tribunal ventilating the grievance raised by him in the said representation within one year after expiry of the said period of six months. The limitation so provided cannot be extended by sending consecutive representations. In the present matter when representations made by the applicant in the year 2001 and in the year 2002 remained undecided, the limitation to file the O.A. before this Tribunal for prosecuting the request made in the subject representation was thus, 18 months from the date of filing such application. Thus the applicant was expected to file the O.A. some times in the year 2002 or in the year 2003. The applicant has approached this Tribunal in the year 2022 i.e. after long lapse of 19 years and about 25 years from the date of his entering in Government service.

14. The plea taken by the applicant that he was consistently making representations, but the

Government did not respond to it is camouflage. The applicant in fact, has neither produced on record any dependable evidence showing that the application seeking correction in his date of birth was made by him within 5 years from the date of his joining service nor about the subsequent correspondence made by him. The applicant has utterly failed in establishing that he had made an application seeking correction in his date of birth within the stipulated period of 5 years.

15. From the documents, which are filed on record there is however, reason to believe that such an application was made by the applicant on 28.10.2015. There is reference of the said application in the letter dated 30.9.2021 written by the then Deputy Director, Sports and Youth Services, Maharashtra State, Pune, to the applicant. From the material on record the application / letter dated 28.10.2015 appears to be the only authentic application. The very first request, thus, was made by the applicant seeking correction in his date of birth in the year 2015, more particularly on 28.10.2015 though the said application remained

undecided for the period of more than six months, the applicant did not avail the remedy available under the Administrative Tribunals Act, 1985, within the limitation as provided under section 21 of the said Act. It is also not disclosed by the applicant as to why he remained silent for long 20 years when his first representation made in the year 2001. Further, there is no explanation from the applicant as to what efforts were taken by him after he sent the letter dated 28.10.2015. It is quite discernable that letter dated 30.9.2021 is procured by the applicant so as to save the limitation.

16. Having regard to the prayer made by the applicant in the O.A. seeking direction against the respondents to correct his date of birth in his service record, the period of limitation cannot be reckoned from the communication dated 30.9.2021 i.e. the letter issued by respondent No. 3, the Deputy Director, Sports and Youth Services, Pune, calling upon the applicant to submit certain documents. The applicant was supposed to bring on record some cogent evidence to show that the application for correction in the date of birth in the service record

was made by him within 5 years of his joining the Government service. As discussed in detail hereinabove the applicant has utterly failed in establishing that such an application was made by him within the said period. For the sake of arguments even if it is assumed that the applicant had made such an application within the stipulated period he was not supposed to wait for the decision by the respondents beyond the period prescribed in Section 20 (2) (b) of the Administrative Tribunals Act. As I stated hereinabove, the consecutive representations made for years together may not extend the period of limitation for approaching this Tribunal. As has come on record the applicant has preferred the present O.A. and the M.A. when the period of hardly 7 months as remained for his retirement on the basis of his date of birth recorded in the service book. Law is well settled that the request for correction in date of birth in the service record is not to be entertained at the fag end of the period of service.

17. The applicant has thus, utterly failed in substantiating the reasons for the delay which has

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occurred on his part in approaching this Tribunal. As such, the application for condonation of delay deserves to be dismissed and is accordingly dismissed. Consequently, the O.A. on Stamp No. 196/2022 also stands disposed of. There shall be no order as to costs.

**VICE CHAIRMAN**

ORAL ORDERS 25.11.2022-HDD