

M.A. NO. 128/2024 IN O.A. ST. NO. 733/2024
(Balasaheb M. Kothule & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Amol Chalak, learned counsel for the applicants and Shri Mahesh Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

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

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 26.03.2024

ORIGINAL APPLICATION ST. NO. 732/2024
(Priyanka S. Tribhuwan Vs. State of Maharashtra & Ors.)

AND

ORIGINAL APPLICATION ST. NO. 733/2024
(Balasaheb M. Kothule & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
[This matter is placed before the Single Bench
due to non-availability of Division Bench.]

DATE : 26.03.2024

ORAL ORDER :

Heard S/shri Dhananjay Mane & Amol Chalak, learned counsel for the applicants in respective matters and Shri Mahesh Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in both the matters.

2. Shri Dhananjay Mane, learned counsel appearing for the applicant in O.A. St. No. 732/2024 undertakes to file on record the copy of the online application submitted by the applicant. The said undertaking is taken on record.

3. Since in both these Original applications the issues raised are identical and prayers made are also similar, I have heard these matters together and

deem it appropriate to pass the following common order.

4. The Maharashtra Public Service Commission (for short the MPSC) has published an advertisement on 11.08.2020 bearing advertisement no. 15/2020 inviting applications for appointment to the post of Senior Research Officer, Group-A (Grade-II). The present applicants applied for the said post and have also successfully undergone the screening test. Their names have been included in the list of eligible candidates published on 4.8.2023. Finally, however, their names have been kept out of consideration on the ground of not having the requisite experience as prescribed in clause 4.5 of the advertisement.

5. It is the contention of the learned counsel appearing for the applicants that all these applicants do possess the requisite experience and the relevant documents in that regard were produced before the respondent no. 02. Learned counsel submitted that the applicants possess the experience as prescribed in the advertisement and in spite of that the MPSC has held them not eligible for appointment on that

count. The experience certificates are brought to my notice. Learned counsel pointed out that the list of not-eligible candidates was published on 22.3.2024 and the interviews of the shortlisted candidates are scheduled on 28.3.2024. Learned counsel submitted that if the applicants are not allowed to appear for the interview and the final selections are made, irreparable loss will be caused to the applicants. In the circumstances, the learned counsel have prayed for interim relief, thereby directing the MPSC to call the present applicants also for interview and interview them.

6. The learned Chief Presenting Officer has sought time for taking the instructions from the respondents and for filing the affidavit in reply. Insofar as request for interim relief is concerned, the learned CPO opposed for grant of any such relief stating that prima-facie no error seems to have done by the MPSC declaring the applicants not eligible for the subject post. The learned CPO in the circumstances prayed for rejecting the request for interim relief.

7. Learned CPO pointed out that considering the nature of the duties to be performed by the Senior Research Officer, the candidate must be holding the experience of working in the Tribal area or amongst the tribals and the experience beyond the said field has not been considered by the MPSC. Learned CPO also submitted that the experience as prescribed presupposes the experience of working on the remunerated post.

8. I have duly considered the submissions made on behalf of the applicants and the learned Chief Presenting Officer appearing for the MPSC and the State authorities. I have also gone through the documents placed on record. The entire controversy revolves around the clause 4.5 of the advertisement, which relates to experience prescribed for the subject post. The said clause reads thus:-

“8.5) Possess practical experience for a period of not less than three years in any field of tribal, social welfare or tribal research.”

9. On perusal of the aforesaid clause it is difficult to accept the contention as has been raised by the learned CPO that the experience must be of having worked in the tribal field or amongst the tribals. Social Welfare is distinctly included in the aforesaid clause. Therefore at this stage it cannot be interpreted that the experience is restricted to the only field of tribal. The aforesaid clause prescribes the valid experience in social welfare. Applying such criteria all three applicants do possess the requisite experience as is appearing from the documents filed on record by these applicants.

10. The another defense raised by the learned CPO that the experience shall be of the remunerated post, prima-facie, appears unconscionable and deserves to be rejected. Insofar as the experience in the field of Social Service is concerned, it is also likely to be of the work done or services provided pro bono.

11. Clause 5.4 in the advertisement does not specifically prescribe that the experience must be of the work done for tribals or in the tribal field. As stated in the said clause, the candidate must

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**O.A. ST. NOS. 732 &
733 BOTH OF 2024**

possess practical experience for the period of not less than three years either in any field of tribal, social welfare or tribal research. The experience of working in the Social Welfare will not necessarily mean or can be interpreted to mean the Social Welfare of the tribals. In the circumstances, the applicants have certainly made out a prima-facie case.

12. The applicant in O.A. St. No. 732/2024 has the experience of social service in the field of empowerment of women. Moreover, as pointed out by the learned counsel appearing for the applicant, the applicant possesses the degree of M.Phil. in Sociology and is pursuing her degree of Ph.D. and the topic of her research is the 'Problems: Social, Economical and Educational faced by the tribal girls taking education in the secondary schools'. The applicant, therefore, prima-facie satisfies the criteria of experience. The applicants in O.A. St. No. 733/2024 are working on the post of Social Service Superintendent (Medical) in the Government Medical Colleges. Prima-facie, these applicants also appear

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**O.A. ST. NOS. 732 &
733 BOTH OF 2024**

to be fulfilling the criteria of experience. For the reasons stated above, I am inclined to pass the following order:-

ORDER

Issue notice to respondents, returnable on 26.4.2024. **Respondent no. 2 shall call all these applicants for interview, which are scheduled on 28.3.2024, subject to outcome of the present O.As.**

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

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

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

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

(vi) S.O. to 26.4.2024.

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733 BOTH OF 2024**

(vii) **The learned C.P.O. shall communicate this order to respondents.**

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

VICE CHAIRMAN

ARJ ORAL ORDER 26.03.2024

C.P.NO.20/2024 IN NO.792/2023
(Jyoti R. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

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

2. Learned C.P.O. seeks time to file affidavit in reply. Time is granted.
3. S.O. to 16-04-2024.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

ORIGINAL APPLICATION NO.965/2023
(Ranjit D. Shingare Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Shri R.D.Khadap, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for hearing on 30-04-2024.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

C.P.NO.30/2019 IN O.A.NO.526/2011
(Mohd. Azizullah Khan since died through widow Smt. Qusiya Shameen M.A. Khan Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Smt. Vidya Taksal, learned Counsel holding for Shri A.S.Deshmukh, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. has filed additional affidavit in reply on behalf of respondent no.1. Same is taken on record. Copy is given to the learned Counsel for the applicant.

3. S.O. to 29-04-2024.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

ORIGINAL APPLICATION NO.47/2024
(Shantanu D. Giri Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Dr. R.J.Godbole, learned Counsel for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. Learned P.O. files affidavit in reply on behalf of respondent no.2. It is taken on record. Learned P.O. undertakes to supply copy of the reply to the other side.

3. S.O. to 30-04-2024.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

ORIGINAL APPLICATION NO.679/2023
(Trushna Manoj Mali Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Smt. Vidya Taksal (Jagtap), learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel submits that during the course of the day rejoinder affidavit will be filed. If rejoinder is filed, it be taken on record. Learned Counsel to supply copy of the same to the other side.

3. S.O. to 25-06-2024.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

M.A.NO.127/2024 IN O.A.ST.NO.716/2024
(Krishna N. Dhole & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Since the issues raised and prayers made by the applicants are identical in nature and the applicants are agitating the similar cause, to avoid multiplicity of litigation, M.A. for sue jointly is allowed and disposed of.

3. O.A. be registered and numbered in accordance with law on payment of requisite court fees, if already not paid, and after removal of office objections, if any,

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

O.A.ST.NO.716/2024
(Krishna N. Dhole & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Vide order dated 01-12-2023 the applicants were promoted to the post of Police Head Constable and accordingly they resumed the charge of their promotional post. However, by the subsequent order dated 18-03-2024 passed by respondent no.3 the order passed on 01-12-2023 has been cancelled. It is further stated in the said order that, applicants who are 8 in number will be promoted/ accommodated as per their seniority in due course of time. Aggrieved by the aforesaid order the applicants have approached this Tribunal by filing the present O.A. Learned Counsel seeks direction against the respondents not to act upon the order dated 18-03-2024 till decision of the present O.A.

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O.A.ST.NO.716/2024

3. Learned CPO submits that today he does not have appropriate instructions in the matter, however, he will make statement tomorrow by obtaining necessary instructions. In the circumstances, following order is passed:

ORDER

4. On registration of O.A., issue notice to respondents, returnable on 27-03-2024. **Till then respondents shall maintain status quo as on today.**

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

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

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.

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O.A.ST.NO.716/2024

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

9. S.O. to 27-03-2024.

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

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

ORIGINAL APPLICATION NO.347/2024
(Harishkumar E. Pane Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman
DATE : 26.03.2024
ORAL ORDER :

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

2. Issue notice to respondents, returnable on 30-04-2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 30-04-2024.
8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.815/2021
(Ganesh Madhav Marathe Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 04-04-2024.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

ORIGINAL APPLICATION NO.500/2019
(Saburi Chandrakant Donglikar Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Shri Yogesh P. Deshmukh, learned counsel for the applicant is **absent**.

Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities, Shri V.B. Wagh, learned Counsel for respondent no.5 and Shri A.V. Thombre, learned Counsel holding for Shri S.S. Thombre, learned Counsel for respondent no.6, are present.

2. Not on board. On request of learned Counsel appearing for respondent nos.5 and 6, matter is taken on board. Learned Counsel for respondent nos.5 & 6 submitted copy of withdrawal purshis forwarded by the applicant in the present matter to learned Registrar, Maharashtra Administrative Tribunal, Aurangabad by E-mail. Learned in charge Registrar has made an endorsement to the effect that E-mail is received in the office on 20-03-2024. Said E-mail is taken on record.

3. Record shows that, applicant is not attending the matter. On 19-03-2024 nobody caused

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O.A.NO.500/2019

appearance for the applicant and specific order was passed that if the matter is not proceeded further, the same shall stand dismissed for want of prosecution on further given date i.e. on 02-04-2024. Today, learned Counsel for respondent nos.5 & 6 have taken circulation of the matter and made submissions as about the grievance of the respondents that because of the pendency of the O.A. their promotions are withheld.

4. In view of the contents of the E-mail (purshis), the following order is passed:

ORDER

O.A. stands disposed of since withdrawn without any order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.487/2022 & 488/2022
(Rajesh J. Gangurde & Anr. Vs. State of Maharashtra & Ors.)**

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Shri V.B.Wagh, learned counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-04-2024. Status quo granted earlier in both the matters to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

ORIGINAL APPLICATION NO.754/2022
(Akash Kumar Chougule Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

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

2. S.O. to 15-04-2024. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

ORIGINAL APPLICATION NO.28/2023
(Vijay Rajendra Sarole Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Shri P.G.Suryawanshi, learned Counsel holding for Shri S.B.Talekar, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

Shri K.G.Shingare, learned Counsel for respondent no.3 is **absent**.

2. S.O. to 15-04-2024. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

M.A.NO.496/2023 IN O.A.NO.222/2023
(Vijay Awadhane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice P.R. Bora, Vice Chairman

DATE : 26.03.2024

ORAL ORDER :

Shri S.B.Mene, learned Counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-04-2024. Till then the interim arrangement shall continue.

VICE CHAIRMAN

YUK ORAL ORDER 26.03.2024

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

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

DATE : 26.03.2024

ORAL ORDER :

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

2. Learned Presenting Officer has sought time. Time granted.

3. S.O. to 13.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION NO. 618 OF 2019
(Dhondiram Gangaram Kamble Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri P.A. Bharat, learned counsel holding for Shri U.L. Momale, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has sought time. Time granted.

3. S.O. to 27.03.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

ORIGINAL APPLICATION NO. 364 OF 2022
(Laxmibai Uttam Potdar Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Satish P. Dhoble, learned counsel holding for Shri A.V. Patil (Indrale), learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. Learned Presenting Officer is directed to call the record and proceedings in connection with the case of the deceased husband of the applicant by the next date.

4. S.O. to 03.05.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1080 OF 2023
(Swapnil S. Parvekar Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. Since nobody appears for the applicant, S.O. to 08.04.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

ORIGINAL APPLICATION NO. 834 OF 2023
(Dr. Balasaheb S. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, S.O. to 15.04.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION NO. 658 OF 2023
(Pratibha S. Khairnar Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Satish P. Dhoble, learned counsel holding for Shri N.L. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request and by consent of both the parties, S.O. to 13.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

ORIGINAL APPLICATION NO. 428 OF 2023
(Sanjiv P. Bodkhe Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Sanjiv P. Bodkhe, applicant in person, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3..

2. Learned counsel appearing for respondent Nos. 2 & 3 submits that today itself he has received copy of the rejoinder affidavit filed by the applicant.

3. S.O. to 07.05.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION NO. 417 OF 2023
(Chandrashekhar P. Nikam Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, S.O. to 30.04.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION NO. 334 OF 2023
(Ramshing H. Sulane Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri D.B. Thoke, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. At the request of learned Presenting Officer, S.O. to 06.05.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

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

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri A.D. Gadekar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 3.

2. Learned counsel for the applicant has filed rejoinder affidavit and the same is taken on record. Copy of the same has been served on the other side in the Tribunal today itself.

3. S.O. to 03.05.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 155 OF 2023
(Avinash Vishwanath Raut Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. By consent of both the parties this Original Application is taken up for final disposal at the stage of admission itself.

3. By filing this Original Application the applicant is seeking quashing and setting aside the order dated 14.02.2023 issued by respondent No. 2, thereby posting him in the office of respondent No. 2 at Pune on promotion on the post of Senior Clerk. The applicant is also seeking directions to respondent Nos. 1 & 2 to modify the posting order dated 14.02.2023 issued by respondent No. 2 and issue fresh posting order to him as per the option form submitted by him. Further the applicant is also seeking direction to respondent No. 2 to

consider and decide the application/representation dated 20.02.2023 submitted by him for modification of the posting order dated 14.02.2003 as per the availability of vacancy.

4. On instructions, learned counsel for the applicant submits that the purpose of filing the present Original Application would be served if respondent authorities are directed to decide the application/representation dated 17.02.2023 (Annexure 'A-7', page-58) submitted by the applicant, wherein the applicant has given information about two vacant posts, one at Nashik and another at Majalgaon. The said application/representation is yet not decided.

5. Learned Presenting Officer submits that the respondent authorities may be directed to decide the application/representation dated 17.02.2023 submitted by the applicant on its own merits.

6. Learned counsel for the applicant submits that so far as application/representation dated 17.02.2023 is concerned, if the options about posting as are mentioned therein are at present filled

up then liberty may be granted to the applicant to file representation afresh and the respondent authorities may be directed to decide the said representation in time bound manner. Learned counsel for the applicant submits that the applicant has exercised those options mainly on the ground of health issue of his father and that may be considered sympathetically.

7. In view of the above submission and since the applicant is now seeking direction to respondent authorities, particularly respondent No. 2 to decide his application/representation dated 17.02.2023 and/or application/representation submitted afresh in this regard in a time bound manner, this Original Application can be disposed of by directing so. Hence, the following order: -

ORDER

(i) The Original Application is hereby partly allowed.

(ii) Respondent authorities are hereby directed to decide the application/representation dated

17.02.2023 and also application/representation if any submitted by the applicant afresh before respondent No. 2 within a period of one week from the date of this order, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of copy of representation afresh submitted by the applicant, on its own merits.

(iii) The applicant is permitted to submit the medical certificate pertaining to the health issue of his father and respondent authorities may consider the same along with representation filed by the applicant, on its own merit.

(iv) Accordingly, the Original Application stands disposed of however, without any order as to costs.

MEMBER (J)

**M.A.NO.491/2023 IN O.A.ST.NO. 1241/2023
(Smt. Lalita Wd/o. Piraji Mahaka & Anr. Vs. State of
Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Vaibhav B. Dhage, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. This is an application filed by the applicant seeking condonation of delay of about 131 days caused in filing accompanying Original Application.

3. Learned Presenting Officer submits that appropriate orders may be passed.

4. In view of the above and for the reasons stated in the present Misc. Application, which according to me are just and sufficient, the delay caused in filing accompanying O.A. is condoned.

5. The accompanying Original Application be registered in accordance with law.

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**M.A.NO.491/2023 IN
O.A.ST.NO. 1241/2023**

6. Accordingly, the Misc. Application stands disposed of with no order as to costs.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION ST.NO. 1241 OF 2023
(Smt. Lalita Wd/o. Piraji Mahaka & Anr. Vs. State of
Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Vaibhav B. Dhage, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 10.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 10.06.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A.NO.426/2023 IN O.A.ST.NO. 1814/2023
(Deelip Shivhar Karamunge Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Vaibhav B. Dhage, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. This is an application filed by the applicant seeking condonation of delay of about 8 months and 12 days caused in filing accompanying Original Application.

3. The applicant has filed the accompanying Original Application seeking appointment on compassionate ground as his father who was in Government service died in harness on 20.09.2018. By order dated 15.12.2021 & 22.12.2021 respectively the respondent authorities have denied the case of the applicant for appointment on compassionate ground holding that the father of the applicant was died on 20.09.2018 and Government

Resolution dated 27.09.2021 is applicable from 01.01.2020.

4. Learned counsel for the applicant submits that there is no inaction on the part of the applicant. The applicant has approached the authorities by filing representations and also made an oral request to the authorities to revive the orders. However, the respondent authorities had turned down the said request of the applicant on technical grounds. Learned counsel submitted that there is delay of only 8 months and 12 days caused in filing accompanying Original Application.

5. Learned Presenting Officer has strongly resisted the application on the ground that there is inordinate delay in filing accompanying Original Application, which has not been explained satisfactorily by the applicant and hence, he prayed for rejection of the application for condonation of delay.

6. The accompanying Original Application pertains to appointment on compassionate ground.

**:: - 3 - :: M.A.NO.426/2023 IN
O.A.ST.NO. 1814/2023**

It reveals that the father of the applicant died on 20.09.2018 and by order dated 15.12.2021 the respondent authorities have turned down the application submitted by the applicant for compassionate appointment on certain technical grounds. It further appears that the applicant was taking education at the relevant time and, as such, he could not approach the Tribunal immediately to challenge the said order. Thus, considering the same, I am inclined to condone the delay subject to cost. Hence, the following order: -

ORDER

- (i) The Misc. Application is hereby allowed.
- (ii) The delay of 8 months and 12 days caused in filing accompanying Original Application is condoned subject to cost of Rs. 1,000/- (Rs. One thousand). The amount of cost shall be deposited in the office of this Tribunal.
- (iii) Accordingly, the Misc. Application stands disposed of however, without any order as to costs.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1814 OF 2023
(Deelip Shivhar Karamunge Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Vaibhav B. Dhage, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 10.06.2024.

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

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

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

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

7. S.O. to 10.06.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 333 OF 2020
(Arjun Manchiram Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent No. 2, are present.

2. S.O. to 11.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

ORIGINAL APPLICATION NO. 1070 OF 2019
(Suryabhan Baburao Nagre Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri Umesh S. Mote, learned counsel for respondent No. 3, are present.

2. S.O. to 12.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION NO. 83 OF 2020
(Devendra I. Sonar Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri Y.M. Patil, learned counsel for respondent No. 3, are present.

2. S.O. to 13.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

ORIGINAL APPLICATION NO. 369 OF 2020
(Uttam Gangadhar Salve Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

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

2. S.O. to 14.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION NO. 514 OF 2020
(Kamlakar B. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. S.O. to 10.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

ORIGINAL APPLICATION NO. 575 OF 2020
(Mrs. Kondabai R. Ghadge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.06.2024.

MEMBER (J)

ORAL ORDER 26.03.2024-HDD

**ORIGINAL APPLICATION NO. 373 OF 2021
(Ramesh Nivrutti Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri S.S. Jadhavar, learned counsel for the applicant, Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 18.06.2024.

MEMBER (J)

**M.A.NO. 507 OF 2023 IN O.A.ST.NO. 1937 OF 2023
(Arun A. Ghate Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri V.S. Kande, learned counsel holding for Shri Ajinkya S. Reddy, learned counsel for respondent No. 4.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant him 1st and 2nd time bound promotional pay scale from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017 which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed

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to submit fresh representations with further directions to the respondents to decide the same on its own merits.

5. In consequences thereof the applicant had filed an application dated 25.11.2019 before the respondent No.1 requesting therein to grant them admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the applicant dated 25.11.2019, the applicant has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the applicant dated 25.11.2019 and therefore, the applicant has

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approached the Hon'ble High Court by filing the Writ Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. Meanwhile, the applicant came to be retired on attaining the age of superannuation on 30.04.2021. In terms of the order passed by the Hon'ble High court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 29.09.2023 praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 715 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned counsel for respondent No.4 has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Applications for which no satisfactory explanation has been tendered by the applicant. The delay is required to be counted from the date on which the applicant and other employees have approached for

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the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned counsel for the respondent No.4 submits that the applications seeking condonation of delay are liable to be rejected.

9. Learned Presenting Officer has adopted the submissions made on behalf of the respondent No.4.

10. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the applicant has filed the application dated 25.11.2019 in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the applicant was constrained to approach this Tribunal wherein this

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Tribunal has directed the respondents to decide the applicant's representation in terms of order passed by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

11. It further appears that the applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application dated 25.11.2019 instead of approaching this Tribunal. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

12. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicants time and again have approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 507/2023 is allowed in following terms:-

- (A) The delay of 715 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1937 OF 2023
(Arun A. Ghate Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri V.S. Kande, learned counsel holding for Shri Ajinkya S. Reddy, learned counsel for respondent No. 4.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//2// O.A.St. 1937/2023

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 18.06.2024.

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

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 508 OF 2023 IN O.A.ST.NO. 1938 OF 2023
(Gopal A. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri V.S. Kande, learned counsel holding for Shri Ajinkya S. Reddy, learned counsel for respondent No. 4.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant him 1st and 2nd time bound promotional pay scale from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017 which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed

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to submit fresh representations with further directions to the respondents to decide the same on its own merits.

5. In consequences thereof the applicant had filed an application dated 25.03.2019 before the respondent No.1 requesting therein to grant him admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the applicant dated 25.03.2019, the applicant has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the applicant dated 25.03.2019 and therefore, the applicant has

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approached the Hon'ble High Court by filing the Writ Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. Meanwhile, the applicant came to be retired on attaining the age of superannuation on 30.04.2021. In terms of the order passed by the Hon'ble High court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 29.09.2023 praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 715 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned counsel for respondent No.4 has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Applications for which no satisfactory explanation has been tendered by the applicant. The delay is required to be counted from the date on which the applicant and other employees have approached for

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the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned counsel for the respondent No.4 submits that the application seeking condonation of delay is liable to be rejected.

9. Learned Presenting Officer has adopted the submissions made on behalf of the respondent No.4.

10. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the applicant has filed the application dated 25.03.2019 in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the applicant was constrained to approach this Tribunal wherein this

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Tribunal has directed the respondents to decide the applicant's representation in terms of order passed by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

11. It further appears that the applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application dated 25.03.2019 instead of approaching this Tribunal. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

12. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicant time and again has approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 508/2023 is allowed in following terms:-

- (A) The delay of 715 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1938 OF 2023
(Gopal A. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri V.S. Kande, learned counsel holding for Shri Ajinkya S. Reddy, learned counsel for respondent No. 4.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//2// O.A.St. 1938/2023

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 18.06.2024.

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

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 510 OF 2023 IN O.A.ST.NO. 1953 OF 2023
(Shridhar S. Sewlikar Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri V.S. Kande, learned counsel holding for Shri Ajinkya S. Reddy, learned counsel for respondent No. 4.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant him 1st and 2nd time bound promotional pay scale from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017 which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed

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to submit fresh representations with further directions to the respondents to decide the same on its own merits.

5. In consequences thereof the applicant had filed an application dated 04.04.2019 before the respondent No.1 requesting therein to grant him admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the applicant dated 04.04.2019, the applicant has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the applicant dated 04.04.2019 and therefore, the applicant has

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approached the Hon'ble High Court by filing the Writ Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. Meanwhile, the applicant came to be retired on attaining the age of superannuation on 28.02.2000. In terms of the order passed by the Hon'ble High court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 03.10.2023 praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 721 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned counsel for respondent No.4 has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Applications for which no satisfactory explanation has been tendered by the applicant. The delay is required to be counted from the date on which the applicant and other employees have approached for

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the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned counsel for the respondent No.4 submits that the application seeking condonation of delay is liable to be rejected.

9. Learned Presenting Officer has adopted the submissions made on behalf of the respondent No.4.

10. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the applicant has filed the application dated 04.04.2019 in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the applicant was constrained to approach this Tribunal wherein this

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Tribunal has directed the respondents to decide the applicant's representation in terms of order passed by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

11. It further appears that the applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application dated 04.04.2019 instead of approaching this Tribunal. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

12. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicants time and again have approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 510/2023 is allowed in following terms:-

- (A) The delay of 721 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1953 OF 2023
(Shridhar S. Sewlikar Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri V.S. Kande, learned counsel holding for Shri Ajinkya S. Reddy, learned counsel for respondent No. 4.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//2// O.A.St. 1953/2023

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 18.06.2024.

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

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 511 OF 2023 IN O.A.ST.NO. 1954 OF 2023
(Satish S. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

Shri Sachin R. Erande, learned counsel for respondent No. 4, is **absent**.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant 1st and 2nd time bound promotional pay scale to his deceased father from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017 which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed

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to submit fresh representations with further directions to the respondents to decide the same on its own merits.

5. In consequences thereof the father of the applicant had filed an application dated 15.07.2019 before the respondent No.1 requesting therein to grant him admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the father of the applicant dated 15.07.2019, he has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the father of the applicant dated 15.07.2019. Meanwhile, the father of the applicant came to be retired on attaining the age of

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superannuation on 31.01.2005. After retirement, the father of the applicant expired on 03.02.2021 and therefore, the applicant in the capacity of legal heir has approached the Hon'ble High Court by filing the Writ Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. In terms of the order passed by the Hon'ble High Court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 03.10.2023 in the capacity of legal heir of deceased employee praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 721 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. The delay is required to

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be counted from the date on which the applicant and other employees have approached for the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned P.O. submits that the application seeking condonation of delay is liable to be rejected.

9. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the father of applicant has filed the application dated 15.07.2019 in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the father of the applicant was constrained to approach this Tribunal wherein this Tribunal has directed the respondents to decide the applicant's representation

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in terms of order passed by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

10. It further appears that the father of applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application dated 15.07.2019 instead of approaching this Tribunal. However, during pendency of Writ Petition, the father of the applicant expired on 03.02.2021. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

11. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicant time and again has approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 511/2023 is allowed in following terms:-

- (A) The delay of 721 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1954 OF 2023
(Satish S. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

Shri S.R. Erande, learned counsel for respondent No. 4, is **absent**.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

//2// O.A.St. 1954/2023

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 18.06.2024.

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

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 512 OF 2023 IN O.A.ST.NO. 1975 OF 2023
(Shrinivas K. Deshmukh Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant him 1st and 2nd time bound promotional pay scale from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017 which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed

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to submit fresh representations with further directions to the respondents to decide the same on its own merits.

5. In consequences thereof the applicant had filed an application dated 11.04.2019 before the respondent No.1 requesting therein to grant him admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the applicant dated 11.04.2019, the applicant has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the applicant dated 11.04.2019 and therefore, the applicant has

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approached the Hon'ble High Court by filing the Writ Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. Meanwhile, the applicant came to be retired on attaining the age of superannuation on 31.01.2001. In terms of the order passed by the Hon'ble High court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 04.10.2023 praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 722 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned Presenting Officer for the respondents has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. The delay is required to be counted from the date on which the applicant and other employees have approached for

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the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned P.O. submits that the application seeking condonation of delay is liable to be rejected.

9. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the applicant has filed the application dated 11.04.2019 in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the applicant was constrained to approach this Tribunal wherein this Tribunal has directed the respondents to decide the applicant's representation in terms of order passed

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by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

10. It further appears that the applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application dated 11.04.2019 instead of approaching this Tribunal. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

11. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicants time and again have approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 512/2023 is allowed in following terms:-

- (A) The delay of 722 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1975 OF 2023
(Shrinivas K. Deshmukh Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St. 1975/2023

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.06.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A.NO. 513 OF 2023 IN O.A.ST.NO. 2008 OF 2023
(Shrikrishna N. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant him 1st and 2nd time bound promotional pay scale from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017 which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed

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to submit fresh representations with further directions to the respondents to decide the same on its own merits.

5. In consequences thereof the applicant had filed an application dated 01.06.2019 before the respondent No.1 requesting therein to grant him admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the applicant dated 01.06.2019, the applicant has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the applicant dated 01.06.2019 and therefore, the applicant has

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approached the Hon'ble High Court by filing the Writ Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. Meanwhile, the applicant came to be retired on attaining the age of superannuation on 30.06.2000. In terms of the order passed by the Hon'ble High court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 09.10.2023 praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 727 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned Presenting Officer for the respondents has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. The delay is required to be counted from the date on which the applicant and other employees have approached for

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the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned P.O. submits that the application seeking condonation of delay is liable to be rejected.

9. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the applicant has filed the application dated 01.06.2019 in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the applicant was constrained to approach this Tribunal wherein this Tribunal has directed the respondents to decide the applicant's representation in terms of order passed

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by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

10. It further appears that the applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application dated 01.06.2019 instead of approaching this Tribunal. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

11. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicants time and again have approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 513/2023 is allowed in following terms:-

- (A) The delay of 727 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 2008 OF 2023
(Shrikrishna N. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St. 2008/2023

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.06.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 514 OF 2023 IN O.A.ST.NO. 2012 OF 2023
(Manohar D. WaghchaureVs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant him 1st and 2nd time bound promotional pay scale from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017

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which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed to submit fresh representations with further directions to the respondents to decide the same on it's own merits.

5. In consequences thereof the applicant had filed an application before the respondent No.1 requesting therein to grant him admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the applicant, the applicant has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the applicant and therefore,

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the applicant has approached the Hon'ble High Court by filing the Writ Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. Meanwhile, the applicant came to be retired on attaining the age of superannuation on 31.07.2017. In terms of the order passed by the Hon'ble High court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 09.10.2023 praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 727 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned Presenting Officer for the respondents has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. The delay is required to be counted from the date on which the

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applicant and other employees have approached for the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned P.O. submits that the application seeking condonation of delay is liable to be rejected.

9. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the applicant has filed the application in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the applicant was constrained to approach this Tribunal wherein this Tribunal has directed the respondents to decide the applicant's representation in terms of order passed

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by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

10. It further appears that the applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application instead of approaching this Tribunal. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

11. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicants time and again have approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 514/2023 is allowed in following terms:-

- (A) The delay of 727 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 2012 OF 2023
(Manohar D. WaghchaureVs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St. 2012/2023

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.06.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 542 OF 2023 IN O.A.ST.NO. 1952 OF 2023
(Vasant V. Tandulje Deceased Through L.Rs. Rajani Wd/o
Vasant Tandulje Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that by way of filing the Original Application the applicant is seeking directions to respondents to grant 1st and 2nd time bound promotional pay scale to his deceased husband from the date of his initial appointment.

3. Learned counsel for the applicant submits that infact the dispute began in the year 2016 when the Finance Department, Government of Maharashtra has issued the G.R. dated 13.06.2016 treating thereby the up-gradation granted to Junior Engineer as 1st time bound promotion. Infact, the up-gradation granted to all the Junior Engineers in view of G.R. dated 16.04.1984. Learned counsel for the applicant submits that it is pertinent to note that,

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after lapse of 21 years period from issuance of G.R. dated 08.06.1995, G.R. dated 13.06.2016 came to be issued by the Government depriving thereby the employees from getting 1st and 2nd time bound promotion by treating the up-gradation as 1st time bound promotion granted to them.

4. Learned counsel for the applicant submits that the Association of Sub-ordinate Service of Engineers, Maharashtra State had approached this Tribunal by filing O.A.No. 837/2016 for redressal of their grievance as regards G.R. dated 13.06.2016. By order dated 02.02.2017, the said Original Application was dismissed by the principal bench of this Tribunal at Mumbai. The said order passed by principal bench dated 02.02.2027 was challenged before the Hon'ble High Court by filing Writ Petition No. 2605/2017. By order dated 06.02.2019, the Hon'ble High court has quashed and set aside the G.R. dated 13.06.2016. Some employees had approached to the Hon'ble High Court by way of filing Writ Petition No. 3377/2017 which came to be decided vide order dated 25.02.2019 and the petitioners therein were directed

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to submit fresh representations with further directions to the respondents to decide the same on its own merits.

5. In consequences thereof the husband of the applicant had filed an application dated 15.07.2019 before the respondent No.1 requesting therein to grant him admissible benefits of 1st and 2nd time bound promotional pay scale from the date of his initial appointment. However, as the respondent No.1 has not decided the said application filed by the husband of the applicant dated 15.07.2019, he has approached this Tribunal and accordingly this Tribunal has issued the directions to the respondents to decide the representation in terms of order passed by the Hon'ble High Court in above referred Writ Petition Nos. 2605/2017 and 3377/2017.

6. Learned counsel for the applicant submits that despite the order passed by this Tribunal the respondent authorities have not decided the said representation filed by the husband of the applicant dated 15.07.2019 and husband of the applicant has approached the Hon'ble High Court by filing the Writ

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Petition No. 2143/2022 and the other employees filed the Writ Petition No. 2145/2022. Meanwhile, the husband of the applicant came to be retired on attaining the age of superannuation on 30.11.2004. After retirement, the husband of the applicant expired on 22.09.2023. In terms of the order passed by the Hon'ble High Court granting liberty to the applicant to approach the Tribunal again, the applicant has filed the Original Application on 04.10.2023 in the capacity of legal heir of deceased employee praying for modification of circular dated 13.10.2020.

7. Learned counsel for the applicant submits that there is a delay of 721 days caused for filing the Original Application. There is no intentional delay and there is no inaction on the part of the applicant. Thus the delay caused for filing the Original Application deserves to be condoned.

8. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. The delay is required to

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be counted from the date on which the applicant and other employees have approached for the first time to the Hon'ble High Court. However, there is no explanation as to how the delay has occurred in filing the Original Application despite the order passed by the Hon'ble High Court and this Tribunal. Learned P.O. submits that the application seeking condonation of delay is liable to be rejected.

9. It appears that in terms of the orders passed by the Hon'ble High Court in Writ Petition No. 2605/2017 dated 06.02.2019 and in Writ Petition No. 3377/2017 which came to be disposed of by order dated 25.02.2019, the petitioners therein were directed to submit the fresh representation and the respondents were directed to decide the same on its own merits. It appears that the husband of applicant has filed the application dated 15.07.2019 in terms of order passed by the Hon'ble High Court in Writ Petition No. 3377/2019 to respondent No.1, however, it appears that the respondent No.1 has not decided the said application and therefore, the husband of the applicant was constrained to approach this Tribunal wherein this Tribunal has directed the respondents to decide the applicant's

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representation in terms of order passed by the Hon'ble High Court in Writ Petition Nos. 2605/2017 and 3377/2017.

10. It further appears that the husband of applicant has thereafter approached to the Hon'ble High Court since the respondent authorities have not decided the said application dated 15.07.2019 instead of approaching this Tribunal. Consequently by order dated 26.07.2023, the Hon'ble High Court of Bombay, Bench at Aurangabad has directed the present applicant to seek appropriate remedy before the Administrative Tribunal and by granting liberty to that extent to the applicant disposed of the Writ Petition.

11. It thus appears that there is no inaction on the part of the applicant and there is no intentional or deliberate delay as such. The applicant time and again has approached to the Hon'ble High court by filing the Writ Petition so also approached this Tribunal by filing the Original Application. Thus considering the same, I am inclined to condone the delay. I compute the costs of Rs. 1000/- (One

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Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 542/2023 is allowed in following terms:-

- (A) The delay of 721 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1952 OF 2023
(Vasant V. Tandulje Deceased Through L.Rs. Rajani Wd/o
Vasant Tandulje Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 18.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A.St. 1952/2023

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.06.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**ORIGINAL APPLICATION NO. 114 OF 2020
(Dagdu G. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**ORIGINAL APPLICATION NO. 568 OF 2020
(Shankar S. Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri R.R. Wakekar, learned counsel holding for Shri A.D. Sugdare, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.06.2024 for hearing.

MEMBER (J)

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

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

DATE : 26.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 14.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**ORIGINAL APPLICATION NO. 583 OF 2022
(Shivling M. Sakhare Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 10.06.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 971 OF 2022
(Avinash V. Solunke Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.06.2024 for hearing.

MEMBER (J)

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

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

DATE : 26.03.2024

ORAL ORDER :

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

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondent Nos. 1 & 2 will be filed along with spare copy for other side.

3. S.O. to 29.04.2024 for filing affidavit in rejoinder, if any/for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 903 OF 2023
(Veena A. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri M.L. Wankhade, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, time granted for filing affidavit in rejoinder.

3. S.O. to 29.04.2024 for filing rejoinder/for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 950 OF 2023
(Amarsing C. Kawale Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, time granted for filing affidavit in rejoinder.

3. S.O. to 26.04.2024 for filing affidavit in rejoinder/for hearing.

4. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 921 OF 2019
(Dr. Aasma Kalim Siddiqui Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel holding for Shri R.P. Adgaonkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.06.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 411 OF 2020
(Ashfaq Shahnoor Quraishi Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 14.06.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**ORIGINAL APPLICATION NO. 304 OF 2024
(Rohit D. Ghuge Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri S.G. Jadhavar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue fresh notice to respondents, returnable on 11.06.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. 304/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 11.06.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**ORIGINAL APPLICATION NO. 333 OF 2024
(Tanmay C. Kante Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Heard Shri Suvidh Kulkarni, learned counsel holding for Shri Vishal S. Kadam, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 30.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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O.A. 333/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 30.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

sas ORAL ORDER 26.03.2024

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

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

DATE : 26.03.2024

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that though as per the advertisement published for filling up the post of Police Patil of village Kini, Post: Martoli, Tal. Degloor, Dist. Nanded, the respondent No.4 has not filed the Character Certificate and further though there are two crimes registered against him and in connection with one crime, the respondent No.4 has pleaded guilty to the charge and accordingly convicted by the Court, even though the Character Certificate has been issued in his favour by the concern police station and by ignoring the objection taken by the applicant in this regard, the respondent authorities have given appointment to respondent No.4.

3. In view of above, Issue notice to respondents, returnable on 10.04.2024.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
8. **Needless to say that the appointment of respondent No.4 to the post of Police Patil of village Post: Martoli, Tal. Degloor, Dist. Nanded**

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O.A. 348/2024

would be subject to outcome of this Original Application.

9. S.O. to 10.04.2024.

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

MEMBER (J)

sas ORAL ORDER 26.03.2024

**ORIGINAL APPLICATION NO. 349 OF 2024
(Amrapali D. Ramteke Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Smt. M.A. Kulkarni, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 03.05.2024.

MEMBER (J)

Later On:-

Smt. M.A. Kulkarni, learned counsel for the applicant is present and seeks one week's time. Time granted as prayed for.

2. S.O. to 02.04.2024.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 586 OF 2024
(Dattatry M. More Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that by this Original Application the applicant is seeking direction to respondents to give him pensionary benefits which he is entitled after retirement on superannuation w.e.f. 31.05.2022 by considering the entire service rendered by the applicant since 14.05.1986.

3. Learned counsel for the applicant has pointed out the impugned order dated 18.01.2024 (Annexure 'A-12'). On perusal of the same, it appears that in terms of G.R. dated 23.05.2023, the applicant has not been granted the pensionary benefits.

4. In view of above, I am agree with the submissions made on behalf of the applicant that there is no delay in filing the Original Application

since it is recurring cause of action. Thus the office objection in this regard stands overruled.

5. Issue notice to respondents, returnable on 11.06.2024.
6. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
7. 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.
8. 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.
9. 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.

//3// O.A.St.586/2024

Applicant is directed to file affidavit of compliance and notice.

10. S.O. to 11.06.2024.

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

MEMBER (J)

sas ORAL ORDER 26.03.2024

**ORIGINAL APPLICATION NO. 89 OF 2020
(Madhukar G. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, learned counsel holding for Shri A.D. Sugdare, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. Learned Presenting Officer seeks time to comply with the order passed by this Tribunal and produce the record and proceedings. Time granted.

4. S.O. to 30.04.2024 for further hearing.

MEMBER (J)

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

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

DATE : 26.03.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 10.04.2024 for further hearing.

MEMBER (J)

**M.A.NO. 353/2021 IN M.A.ST.NO. 1144/2021 IN
O.A.ST.NO. 1145/2021
(Ramkrushan D. Gore & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.4, are present.

2. At the request of learned counsel for the applicants, S.O. to 06.05.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 29 OF 2022 IN O.A.ST.NO. 11 OF 2022
(Yashvant M. Kadam Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

None present for applicant. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri V.S. Kande, learned counsel holding for Shri Ajinkya S. Reddy, learned counsel for respondent No.4, are present.

2. As none appears for the applicant, S.O. to 10.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 303 OF 2022 IN O.A.ST.NO. 708 OF 2022
(Nagnath M. Adamankar Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to place on record the synopsis of events to explain the delay occurred. Time granted.

3. S.O. to 03.05.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

M.A.NO.409/2023 IN O.A.NO.551/2022
M.A.NO.410/2023 IN O.A.NO.552/2022
M.A.NO.411/2023 IN O.A.NO.554/2022
M.A.NO.412/2023 IN O.A.NO.555/2022
M.A.NO.413/2023 IN O.A.NO.556/2022
M.A.NO.414/2023 IN O.A.NO.557/2022
M.A.NO.415/2023 IN O.A.NO.559/2022
M.A.NO.416/2023 IN O.A.NO.561/2022
M.A.NO.417/2023 IN O.A.NO.562/2022
M.A.NO.418/2023 IN O.A.NO.563/2022
M.A.NO.419/2023 IN O.A.NO.564/2022
M.A.NO.420/2023 IN O.A.NO.565/2022
M.A.NO.421/2023 IN O.A.NO.566/2022
M.A.NO.422/2023 IN O.A.NO.1110/2022
M.A.NO.446/2023 IN O.A.NO.550/2022
M.A.NO.447/2023 IN O.A.NO.553/2022
M.A.NO.448/2023 IN O.A.NO.560/2022
M.A.NO.449/2023 IN O.A.NO. 558/2022
M.A.NO. 486/2023 IN O.A.NO. 44/2021

(State of Maharashtra & Ors. V/s. Raghoji Bele & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the applicants in M.A. (original respondents) and Shri R.L. Chintalwar, learned counsel for the respondents (Original Applicants) in M.A.No. 409/2023 to M.A.No. 417 of 2023, M.A.No. 422/2023, M.A. 446/2023, M.A. 447/2023, M.A. 448/2023, M.A. 449/2023 & M.A. 486/2023 and Shri P.M. Shinde, learned counsel for the respondents (Original Applicants) in M.A.Nos. 418/2023 to M.A. 421/2023, are present.

2. At the request of learned C.P.O., time granted as a last chance for filing affidavit in reply to the Original Applications.

3. S.O. to 03.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1056 OF 2019
(Rajkumar D. Malshetwar Vs. State of Maharashtra & Ors.)

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

DATE : 26.03.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no reply has been filed.
3. List the matter for admission hearing with liberty to other side to file reply, if any, till then.
4. S.O. to 30.04.2024.

MEMBER (J)

**M.A.NO. 431 OF 2023 IN O.A.NO. 845 OF 2023
(Vishwanath S. Kirtane & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

Shri V.B. Dhage, learned counsel holding for Shri A.G. Vasmatkar, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 10.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 400 OF 2023 IN O.A.ST.NO. 1748 OF 2023
(Dipak B. Sasane Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 09.05.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024

**M.A.NO. 254 OF 2022 IN O.A.ST.NO. 626 OF 2022
(Dr. Megha D. Deshmukh Vs. State of Maharashtra & Ors.)**

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

DATE : 26.03.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.06.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 26.03.2024