

ORIGINAL APPLICATION NO. 539/2024

(Vijay Chhaganrao Jadhav Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 26.08.2024

ORAL ORDER :

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

2. It is the case of the applicant that he is entitled for promotion to the post of Assistant Sub-Inspector from the post of Head Constable and further that his proposal was also considered in the DPC meeting held in the month of January, 2024. It is the grievance of the applicant that only on the ground of criminal case pending against the applicant the respondents cannot deprive the applicant from promotion if he is otherwise entitled. Learned counsel for the applicant has referred and relied upon the G.R. dated 15.12.2017 and has invited our attention to certain clauses more particularly clause nos. 6, 7 and 9 thereof. Learned counsel submits that the respondents were bound to take the review

of the proposal of the applicant kept in the sealed cover after expiry of the period of 6 months and since the same has not been done, directions are sought by the applicant.

3. Learned Presenting Officer has opposed for grant of any such relief by inviting our attention to clause 9(g) of the said G.R., which provides that if only one year of service is remaining of such employee, who is in the zone of consideration and who is facing criminal prosecution and the departmental enquiry, no promotion to be granted to such employee even on ad-hoc basis.

4. Even otherwise also if G.R. dated 15.12.2017 is read as whole, no case is made out by the applicant. Mere non-taking of review may not make entitle the applicant for his promotion. The G.R. further provides that if the proposal is kept in a sealed cover for 2 years and in the meanwhile the criminal prosecution or the departmental enquiry is not completed then the sealed cover is to be opened and based on the report containing therein the employee concerned can be considered for his

promotion on ad-hoc basis subject to outcome of the criminal prosecution or the departmental enquiry pending against him. These aspects are lacking in the case of the present applicant. It is pointed out that the applicant is retiring in the month of October, 2024.

5. Considering the fact as aforesaid, the provision made in clause 9(g) of the G.R. dated 15.12.2017 will come in the way of the applicant. In sum and substance the applicant has not made out any case for grant of relief as has been claimed by him. Hence, we pass the following order:-

ORDER

The Original Application is dismissed, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

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

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

Shri Vinay Kargaonkar, Member (A)

DATE : 26.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 01 to 03. It is taken on record and copy thereof has been supplied to learned counsel for the applicant.

3. S.O. to 10.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 237/2022
(Vinayak U. Banchod Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 26.08.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Though the respondents were granted last chance to file affidavit in reply, no affidavit in reply has been filed today also.

3. List the matter therefore for hearing on 08.10.2024.

MEMBER (A)

VICE CHAIRMAN

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

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

Shri Vinay Kargaonkar, Member (A)

DATE : 26.08.2024

ORAL ORDER :

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

2. On request of learned C.P.O., S.O. to 02.09.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 26.08.2024

M.A. NO. 376/2024 IN O.A. NO. 803/2024
(Pooja B. Jadhav Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 26.08.2024

ORAL ORDER :

Shri Rohit S. Sarvadnya, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Applicant has filed the present Misc. Application seeking amendment to the Original Application so as to bring on record the events which had occurred during the pendency of the Original Application and contextual prayers. Learned counsel for the applicant submitted that the letter dated 31.07.2024 came to be issued during the pendency of the Original Application and by way amendment the applicant intends to bring on record said fact with contextual prayers.

3. The respondents have yet not filed affidavit in reply to the Original Application. The amendment,

::-2-:: **M.A. NO. 376/2024 IN**
O.A. NO. 803/2024

which is sought is in consonance with the earlier pleadings and the prayers and is also having nexus with the earlier prayers made in the O.A. The nature of the O.A. is thus not likely to be changed. Hence, we are inclined to allow the present application. Hence, the following order is passed:-

ORDER

- (i) The Misc. Application is allowed.
- (ii) The necessary amendment be carried out within a week and amended copy of the O.A. be placed on record and be supplied to learned P.O.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.863/2024
(Vishwanath B. Dahe Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri S.P.Dhoble, learned Counsel holding for Shri Shrinivas T. Solanke, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 03-10-2024.

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 03-10-2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.921/2024
(Abhay S. Kunte Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 03-10-2024.

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 03-10-2024.

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

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO.425/2024
(Urmila Babasaheb Chothe Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Smt. Archana Therokar, learned Counsel holding for Shri V.B.Wagh, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 26.08.2024

VICE CHAIRMAN

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

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

DATE : 26.08.2024

ORAL ORDER :

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

2. S.O. to 23-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 26.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.07/2024
(Vilas Ramdas Ghule Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri C.V.Dharurkar, learned counsel for the applicant is **absent**. Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities is present.

2. S.O. to 23-09-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 26.08.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.988/2023
(Venkatesh Vijendra Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri G.R.Jadhav, learned Counsel holding for
Shri A.S.Shelke, learned counsel for the applicant
and Shri V.R.Bhumkar, learned Presenting Officer
for the respondent authorities, are present.

2. S.O. to 23-09-2024. Interim relief granted
earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 26.08.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.603 to 609 all of 2017
(Jaideep Ambadas Limbale & Ors Vs. State of Maharashtra &
Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for
Shri Avinash S. Deshmukh, learned counsel for the
applicants and Shri V.R.Bhumkar, learned
Presenting Officer for the respondent authorities, are
present.

2. S.O. to 23-09-2024. Interim relief granted
earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 26.08.2024

VICE CHAIRMAN

**M.A.NO. 322 OF 2024 IN O.A.NO. 708 OF 2024
(Shobhabai M. Patil & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

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

2. The applicants are mother and sister of the deceased employee. They have filed the Original Application seeking compassionate appointment for applicant No.2.

3. In view of same and for the reasons stated in the application, to avoid the multiplicity, Misc. Application is allowed. The applicants are permitted to sue the respondents jointly by way of the single Original Application filed by them, subject to payment of court fee stamps, if not paid.

4. The present M.A.No. 322/2024 stands disposed of accordingly without any order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 708 OF 2024
(Shobhabai Mohan Patil & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 17.10.2024.

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

4. 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.

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. 708/2024

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

7. S.O. to 17.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 910 OF 2024
(Jalba Ananda Tekale Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. The applicant is directed to remove the office objection within a period of one week.
3. After removal of office objection, issue notice to respondents, returnable on 18.10.2024.
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.

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O.A. 910/2024

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

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

8. S.O. to 18.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 914 OF 2024
(Nagnath Parbatrao Abhange Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 20.09.2024.

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

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

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. 914/2024

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 20.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 920 OF 2024
(Dr. Bhausahab Suryabhan Randhe Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Heard Shri J.S. 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 30.09.2024.

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

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

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

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O.A. 920/2024

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 30.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 922 OF 2024
(Prasad P. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 18.10.2024.

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. 922/2024

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 18.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 399 OF 2024
(Vijay L. Chavan Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 436 OF 2024
(Ashok R. Kashid Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned counsel for the applicants in both O.As. and Shri M.B. Bharaswadkar, learned Chief Presenting Officer and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in respective O.As.

2. By consent of both the sides, S.O. to 29.08.2024 for hearing in **urgent admission category**.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 435 OF 2024
(Ganesh P. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 29.08.2024 for hearing in **urgent admission category**.

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

MEMBER (J)

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

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

DATE : 26.08.2024

ORAL ORDER :

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. At the request of learned P.O., S.O. to 10.09.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 555 OF 2018
(Nirmala S. Bhandari Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri K.B. Jadhav, 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. The parties are directed to place before this Tribunal the copy of Government Circular dated 18.05.2013 as referred at Sr. No. 11 in the Government Circular dated 30.07.2013.
4. S.O. to 05.09.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 147 OF 2022
(Bhaskar D. Nelte Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

Shri J.B. Choudhary, 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. In terms of order dated 02.04.2024, learned P.O. submits short additional affidavit in reply on behalf of respondent Nos. 2 & 3. The same is taken on record and copy thereof is given to learned counsel today itself.

4. Learned counsel for the applicant seeks time to go through the same and make submission. Time granted.

5. S.O. to 12.09.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 404 OF 2022
(Manesh D. Nagargoje Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

Shri K.G. Salunke, 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. At the request of learned P.O., S.O. to 18.9.2024 for further hearing.

MEMBER (J)

**M.A.NO. 229/2021 IN O.A.ST.NO. 655/2021
(Pundlik N. Ambhore Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

Shri Amol G. Vasmatkar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent Nos. 2 to 4. Leave granted. The reply is accepted and copy thereof is given to other side today itself.
3. Learned counsel for the applicant seeks time to go through the same. Time granted.
4. S.O. to 18.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

M.A.NO. 85/2023 IN O.A.ST.NO. 261/2023
(Ganesh M. Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri Abhishek Deshpande, learned counsel holding for Shri H.S. Bali, learned counsel for respondent No.4, are present.

2. By consent of parties, S.O. to 27.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 279 OF 2023
(Sheshrao R. Kharate Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Leave to implead the Deputy Conservator of Forest, Aurangabad as party respondent to this Original Application.
3. Issue notice to newly added respondent, returnable on 20.09.2024.
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.

//2//

O.A. 279/2023

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. Learned P.O. submits affidavit in reply on behalf of respondent No.4. The same is taken on record and copy thereof is given to learned counsel.

9. Learned P.O. seeks time to file affidavit in reply on behalf of remaining respondents. Time granted.

10. S.O. to 20.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 819 OF 2024
(Kakasaheb S. Doiphode Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 10.09.2024.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 820 OF 2024
(Ajay V. Kasture Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 10.09.2024.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

M.A.NO. 185/2024 IN O.A.ST.NO. 754/2024
(Kamalkishor S. Jaiswal Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri Ravindra V. Gore, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 12.09.2024.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 233 OF 2022
(Sudhakar Y. Dandge Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits additional affidavit in rejoinder. The same is taken on record and copy thereof is given to learned P.O. today itself.

3. S.O. to 08.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1012 OF 2019
(Satish N. Badade Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. There is no compliance of the order dated 19.06.2024 till today.

3. Learned Presenting officer seeks time.

4. Though the applicant came to be retired in the year 2019 itself, the respondent authorities have not submitted the pension proposal of the applicant. The applicant has not received the regular pension till date nor the other pensionary benefits for the reason that the matter is lying before the Pay Verification Unit.

5. If at all the excess payment has been made to the applicant in respect of Time Bound Promotion, the recovery thereof whether admissible or not that is different question because the applicant came to be retired in the year 2019 as a class-III employee.

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O.A. 1012/2019

However, as far as the admissible pay scale/ is concerned, as on the date of retirement the applicant is entitled for all the pensionary benefits including the final pension.

6. Learned P.O. is directed to take specific instructions in this regard expeditiously.

7. S.O. to 06.09.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

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

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer has placed before this Tribunal the copy of judgment and order passed by the Division Bench of Hon'ble High Court of Bombay in Writ Petition No. 14289 of 2017 dated 19.07.2024.

3. Learned P.O. submits that in view of said judgment, this Original Application does not stand and the same is liable to be dismissed.

4. Learned counsel for the applicant seeks time to go through the said judgment and find out as to whether any other view is available. Time granted.

5. S.O. to 05.09.2024 for final hearing.

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 : 26.08.2024

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 08.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

**ORIGINAL APPLICATION NO. 487 OF 2020
(Usha R. Bahirat Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 27.09.2024 for hearing.

MEMBER (J)

1. ORIGINAL APPLICATION NO. 54 OF 2023
(Sayyed Shafi Sayyad Lal & Ors. Vs. State of Maharashtra & Ors.)

2. ORIGINAL APPLICATION NO. 73 OF 2024
(Dipak N. Dongare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants in both the O.As. and Smt. R.S. Deshmukh & Shri A.P. Basarkar, learned Presenting Officers for the respondent authorities in respective O.As., are present.

2. In compliance with the order dated 31.07.2024, learned P.O. placed today before this Tribunal the copy of communication received from the respondent No.1 dated 26.08.2024, which marked 'X' for identification. On perusal of the same it appears that so far as the proposal dated 06.08.2024 is concerned, it is informed in this context that the said proposal is having certain deficiencies and after removing those deficiencies after taking the approval of the Finance Department, the appropriate decision will be taken. However, it

//2// O.A. 54/2023 & 73/2024

is further informed in the said communication that some four weeks time is required for the same.

3. In view of above, S.O. to 26.09.2024 for hearing.

4. The office shall list these two connected matters together.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

**ORIGINAL APPLICATION NO. 175 OF 2023
(Ramesh B. Tekale Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

Shri D.R. Irale Patil, 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 12.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 307 OF 2023
(Sarika B. Wandhekar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Smt. Jayshri Dongre, learned counsel submits that she has instructions to appear on behalf of applicant in this matter and she has obtained no objection from the earlier advocate.

3. Learned counsel for the applicant thus seeks time to work out the matter. Time granted.

4. S.O. to 22.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 492 OF 2023
(Dr. Jagannath G. Kundkar Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

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 02.09.2024 for hearing.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 499 OF 2023
(Yamunabai M. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri Ashish S. Hazari, learned counsel holding for Shri Datta Amadake, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. It appears that though the family pension proposal of the applicant is submitted, however as per the contention raised by the learned counsel for the applicant, the said proposal should have been submitted to the Accountant General, Nagpur. The respondent No.1 i.e. Accountant General, Nagpur is party respondent to this O.A.

3. Learned P.O. on oral instruction from the officer namely Shaikh Fairoj S., Inspector of Motor Vehicle, R.T.O., Dhule who is present before this Tribunal in terms of the earlier order submits that the proposal has been forwarded to the Accountant General, Mumbai.

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O.A. 499/2023

4. Learned P.O. is directed to take instructions in this regard and if it is wrongly submitted, the same shall be called back forthwith by sending special messenger and resubmit to appropriate authority forthwith.
5. S.O. to 02.09.2024 for compliance.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

**ORIGINAL APPLICATION NO. 95 OF 2024
(Kuldip B. Minde Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

Shri V.U. Rathod, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. S.O. to 22.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 100 OF 2024
(Padmakar G. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Learned P.O. has placed before this Tribunal today the copy of office order dated 16.08.2024 passed by respondent No.2 i.e. the Deputy Inspector General of Police, Nanded Region, Nanded. The same is taken on record and marked 'X' for identification.

3. On perusal of the same it appears that by giving reference to the earlier transfer of six police officers in terms of directives issued by the Election Commissions of India for the election of parliament, the police officers now will be continued to work on the same post and they are not required to be transferred outside of the District.

4. Learned P.O. on oral instructions submits that this office order dated 16.08.2024 also covers the case of the applicant though his name is not mentioned in the said order.

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O.A. 100/2024

5. Learned counsel for the applicant submits that if this order also covers the impugned transfer order of the applicant and if the applicant is now not required to be transferred out of district, this Original Application may be disposed of.

6. In view of same, the Original Application stands disposed of as nothing survives for further consideration. No costs.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 107 OF 2024
(Ashwamedh B. Jagtap Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant has joined the place of transfer as per the impugned transfer order and there is no interim order to this case.

3. Learned counsel for the applicant seeks two weeks time to take appropriate instructions in this regard. Time granted.

4. S.O. to 10.09.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 302 OF 2024
(Seema V. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

Shri Sunil P. Koli, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri V.P. Kadam, learned counsel for respondent No.4, are present.

2. Learned P.O. seeks one week time to call the record. Time granted.
3. S.O. to 03.09.2024.
4. List this matter in the **Part heard** category.

MEMBER (J)

ORIGINAL APPLICATION NO. 400 OF 2024
(Arun M. Lakwal Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 27.09.2024 for hearing.

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

MEMBER (J)

SAS ORAL ORDER 26.08.2024

**ORIGINAL APPLICATION NO. 593 OF 2024
(Rama C. Hawaka Vs. State of Maharashtra & Ors.)**

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant came to be suspended w.e.f. 03.04.2024 along with three other officers. However those three officers came to be reinstated but there is no specific order in connection with the suspension order passed against the applicant. The applicant is also served with the second charge-sheet of the departmental enquiry, however, the suspension case of the applicant is not placed before the Review Committee.

3. Learned P.O. is directed to take instructions in this regard till the next date of hearing.

4. S.O. to 09.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 72 OF 2024
(Gulab H. Imale Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

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

3. S.O. to 27.09.2024 for filing affidavit in rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 586 OF 2024
(Dr. Mahananda M. Jaybhaye-Munde Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for the applicant and Smt. R.S. Deshmukh, 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 to 4 will be filed.

3. S.O. to 25.09.2024 for filing affidavit in rejoinder, if any.

MEMBER (J)

SAS ORAL ORDER 26.08.2024

ORIGINAL APPLICATION NO. 612 OF 2024
(Trishala S. Dandge Vs. State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

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

2. Not on board. Taken on board.

3. Learned counsel for the applicant submits that inadvertently the first name of respondent No.4 is mentioned as 'Angad' instead of 'Vyankat'. The same may be permitted to correct. Leave to correct the first name of respondent No.4 and issue notice as per the earlier order to the respondent No.4 on his corrected name.

4. The applicant to carry out amendment within a week.

MEMBER (J)

ORIGINAL APPLICATION NO. 540 OF 2019
(The Maharashtra State Gazetted Veterinary Officers
Union through its Vice President Dr. Nilkanth S. Mane Vs.
State of Maharashtra & Ors.)

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

DATE : 26.08.2024

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned counsel holding for Shri P.R. Tandale, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Not on board. Taken on board.

3. At the request of learned counsel for the applicant, time is extended to carry out amendment till 02.09.2024.

MEMBER (J)

Special Board of ensuing Lok Adalat

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

DATE : 26.08.2024

ORAL ORDER :

The special board is published today about the list of the referred cases to be placed before Lok Adalat and the appropriate cases to be taken cognizance of by the Lok Adalat.

2. In almost all the matters the parties have filed their consent. Therefore, the office is directed not to publish this board.

MEMBER (J)

SAS ORAL ORDER 26.08.2024