

**M.A. NO. 485/2024 IN O.A. NO. 1042/2024**  
**(Jitendra N. Kale & Ors. Vs. Vijay Cheke & State of Maharashtra**  
**& Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri S.P. Palshikar, learned counsel for the applicants, Shri S.D. Joshi, learned counsel holding for Shri D.S. Mutalik, learned counsel for respondent in M.A./applicant in O.A. and Shri V.R. Bhumkar, learned Presenting Officer for the State Authorities.

2. With the consent of learned counsel for the parties and having regard to the submissions made in the Intervention Application, it is allowed.

3. The applicant in the O.A. shall add the intervenors as party respondents in O.A. forthwith.

**MEMBER (A)**

ARJ ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.316/2024**

**(Shaskiya Adiwasi Ashramshala Adhikshak Sanghatana Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. On request of learned C.P.O. two weeks' time is granted by way of last chance for filing affidavit in reply.

3. S.O. to 17-10-2024.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**M.A.NO.446/2024 IN O.A.NO.867/2024**  
**(Shaikh Atikh Shaikh Mehtab Vs. Tanvir Haroon Shaikh & State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri V.B.Wagh, learned counsel for the applicant in M.A. for intervention, Shri R.A.Joshi, learned Counsel for applicant in O.A., Shri V.G.Pingle, learned Presenting Officer for the respondent authorities and Shri Mohammad Aseem learned Counsel holding for Shri Sayyed Tauseef Yaseen, learned Counsel for respondent no.3 in O.A., are present.

2. Shri Joshi, learned Counsel has sought time for filing affidavit in rejoinder and also reply to the M.A. Time is granted.

3. S.O. to 18-10-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.359/2024**  
**(Shubham G. Patil Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. Pleadings are complete, however, due to paucity of time today the matter cannot be heard.

3. List the matter for hearing on 15-10-2024.

Interim relief granted earlier to continue till then.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.816/2024**  
(Sandip D. Shinde Vs. State of Maharashtra & Ors.)

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. On request of learned Counsel appearing for the applicant, issue fresh notice to respondent no.3, returnable on 28-10-2024.

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 28-10-2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO.353/2024 IN O.A.NO.520/2022**  
**(Satish B. Jadhav (died) through Asha S. Jadhav & Anr. Vs.**  
**State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri A.G.Ambetkar, learned counsel for the applicant and Shri S.S.Dambe, learned Presenting Officer for the respondent authorities.

2. Present M.A. is filed with a prayer that the legal heirs of the deceased Government employee be taken on record and be permitted to prosecute the matter further. O.A. is filed by the deceased Government employee challenging the order of compulsorily retiring him from Government service. Considering the nature of the relief sought, cause of action does survive. M.A., therefore, deserves to be allowed. Hence, the following order:

**ORDER**

[i] M.A. is allowed.

[ii] Legal heirs as are indicated in the present application be brought on record of the O.A.

[iii] Delay caused in filing the applications stands condoned.

[iv] Abatement, if any, stands set aside.

3. Necessary amendment in O.A. be carried out within a week.

4. O.A. to come up on 12-11-2024.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.1092/2022**  
**(Satish Gadve & Ors. Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri Mohit Deshmukh, learned counsel for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Pleadings are complete.
3. List the matter for hearing on 13-11-2024.  
Interim relief granted earlier to continue till then.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.887/2024**  
(Vishal A Mundhe & Ors. Vs. State of Maharashtra & Ors.)

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned counsel for the applicants 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 on behalf of respondent nos.1 and 2. Time is granted.

3. S.O. to 17-10-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.576/2024**  
**(Surekha S. Bhalashankar Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Ms. Rajashree C. Sawale, learned Counsel holding for Mr. S.N.Pagare, learned counsel for the applicant, Mr. M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Mr. G.R.Jadhav, learned Counsel holding for Mr. A.S.Shelke, learned Counsel for respondent no.3, are present.

2. Learned C.P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 18-10-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**T.A.NO.22/2024 (W.P.NO.4214/2024)**  
**(Sabir F. Tadvi Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri Sudhakar T. Mahajan, learned counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 28-10-2024.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**REVIEW APPL. NO.01/2023 IN O.A.NO.295/2019 WITH  
C.P.NO.03/2021 WITH M.A.NO.141/2021  
(Maharashtra Rajya Hangami Hivtap Prayogshala Karmachari  
Sanghatna, Through its President, Bharat M. Tangade Vs.  
State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Ms. Preeti Wankhade, learned counsel for the applicant, Mr. V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel submitted that some of the private respondents could not be served because of the non-availability of the addresses of the said respondents. Learned Counsel has sought directions against the respondent no.3 to provide such addresses. In the circumstances, following order is passed:

**ORDER**

Learned Counsel for the applicant shall make written application to respondent no.3 and on making such an application, respondent no.3 is directed to provide addresses of the concerned respondents to the applicant.

3. S.O. to 14-10-2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO.402/2024 IN O.A.NO.968/2024**  
**(Vivekanand V. Auti & Ors. Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri R.A.Joshi, learned Counsel holding for Shri Balaji S. Dambe, learned counsel for the applicants and Shri V.R.Bhumkar, learned resenting Officer for the respondent authorities.

2. Not on board. Taken on board.
3. This is an application preferred by the applicants seeking leave to sue jointly.
4. 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.
5. Present M.A. stands disposed of accordingly without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

YUK ORAL ORDER 26.09.2024

**ORIGINAL APPLICATION NO.968/2024**  
(Vivekanand V. Auti & Ors. Vs. State of Maharashtra & Ors.)

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri R.A.Joshi, learned Counsel holding for Shri Balaji S. Dambe, learned counsel for the applicants and Shri V.R.Bhumkar, learned resenting Officer for the respondent authorities.

2. Not on board. Taken on board. Issue notice to respondents, returnable on 14-10-2024.

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.

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 14-10-2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.760/2024**  
**(Mahendra O. Chavan Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri Narke, learned Counsel holding for Shri P.M.Nagargoje, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted by way of last chance.
3. S.O. to 28-10-2024.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.1125/2024**  
(Gajanan A. Mohite Vs. State of Maharashtra & Ors.)

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. At the request of learned Counsel for the applicant, S.O. to 01-10-2024.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.1142/2024**  
(Vaibhav A. Dhokare Vs. State of Maharashtra & Ors.)

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 30-09-2024.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.107/2023**  
(Sanjay Nagamwad & Ors. Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.491/2023**  
(Kailash Waghmare & Ors. Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.493/2023**  
(Dnyaneshwar Dhongade & Ors. Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.572/2023**  
(Mukund Unhale & Ors. Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.573/2023**  
(Prabhakar K. Ghuge Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.574/2023**  
(Pralhad S. Lokhande Vs. State of Maharashtra & Ors.)

**ORIGINAL APPLICATION NO.575/2023**  
(Mangala M. More Vs. State of Maharashtra & Ors.)

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 25-10-2024. **High on Board.**

**MEMBER (A)**  
YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.672/2024**  
**(Priyanka D. Wani Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. On request of learned Chief Presenting Officer, S.O. to 04-10-2024.

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**M.A.NO.498/2019 IN O.A.ST.NO.1959/2019**  
(Ramrao D. Rathod Vs. State of Maharashtra & Ors.)

**M.A.NO.01/2021 IN O.A.ST.NO.1443/2020**  
(Smt. Ratnabai G. Gaikwad Vs. State of Maharashtra & Ors.)

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri R.L.Chintalwar, learned counsel for the applicants and Smt. Deepali Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicants has request to keep the present matters together with a group of **O.A.Nos.445/2017 & Ors.**

**MEMBER (A)**

YUK ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 1154/2024**  
**(Aslam Ahemad Khan Iqbal Khan Pathan Vs. State of**  
**Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri Mohammed Aseem, learned counsel holding for Shri Sayyed Tauseef Yaseen, learned counsel for the applicant and Shri V.G. Pingle, 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.

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 (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 115/2019**  
**(Santosh B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri S.P. Dhoble, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.10.2024.

**MEMBER (A)**

ARJ ORAL ORDER 26.09.2024

**VICE CHAIRMAN**

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

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

Shri Bhamre, learned counsel submits that he is under instructions to appear for private respondent in the present matter. He seeks time to file affidavit in reply on behalf of the said respondents.

2. Learned counsel for the applicants submitted that the applicants in O.A. No. 377/2020 with connected OAs decided along with said O.A. though had placed their reliance on the order passed by Nagpur Bench of the Maharashtra Administrative Tribunal in O.A. No. 545/2015 did not bring to the notice of this Tribunal that the order passed by the Tribunal in the said O.A. No. 545/2015 has been stayed by Nagpur Bench of Hon'ble Bombay High Court in W.P. No. 7683/2018. Learned counsel placed on record order dated 13.11.2018 passed in W.P. No. 7683/2018 and also referred to order dated 04.03.2021 passed in the said W.P. No. 7683/2018, which

is already filed on record in this O.A. Learned counsel further pointed out that in the matter claiming identical reliefs bearing O.A. No. 115/2019 this Tribunal has passed an order on 25.03.2019 adjourning the said matter sine die in view of pendency of W.P. No. 7683/2018. Learned counsel submitted that the applicants were quite aware of the aforesaid fact however, without disclosing the said fact the orders are obtained by them in O.A. No. 377/2020 and the connected OAs. In the circumstances, learned counsel prayed for staying the effect and operation of the common order passed by this Tribunal in the aforesaid OAs on 02.05.2024. Learned counsel pointed out that the DPC meeting is in usual course is held in the month of September or October. Learned counsel submitted that the DPC meeting if is held in coming few days, because of the order passed by this Tribunal in O.A. No. 377/2020, the applicants may lose the chance of promotion. In the circumstances, learned counsel insisted for staying the effect and operation of the order dated 02.05.2024 passed by this Tribunal in the aforesaid O.As.

3. Learned counsel for the private respondents namely Shri Bhamre sought to contend that unless the respondents are given opportunity to file their affidavits in reply, all the relevant factors may not be there before the



Tribunal and hence opposed for granting any stay as sought by the applicants. Learned Presenting Officer, however, supported the prayer made by the applicants stating that the Government has also filed Review Applications seeking review of the order passed by this Tribunal on 02.05.2024 in O.A. No. 377/2020 and other connected O.As.

4. We have duly considered the submissions made on behalf of respective parties. We have perused the order passed in O.A. No. 545/2015 by Nagpur Bench of this Tribunal, as well as, the orders passed in W.P. No. 7683/2018 on 13.11.2018 and 04.05.2021 respectively. After having gone through the orders passed as aforesaid there appears substance in the contentions raised on behalf of the applicants. It is not in dispute that in O.A. No. 377/2020 and other identical matters, which have been decided by common order passed on 02.05.2024, the applicants therein had relied on the order passed by Nagpur Bench of this Tribunal in O.A. No. 545/2015. The applicants in the said O.A., however, does not appear to have brought to the notice of this Tribunal the stay order passed by Nagpur Bench of Hon'ble Bombay High Court in W.P. No. 7683/2018 wherein the order passed by Nagpur Bench of this Tribunal in O.A. No. 545/2015 is challenged. The order passed by this Tribunal in O.A. No. 115/2019 was also not brought to the notice of this

Tribunal. It cannot be denied that while passing the common order by this Tribunal in O.A. No. 377/2020 with other connected O.As. and allowing the said applications the order passed by coordinate Bench of this Tribunal in O.A. No. 545/2018 was the main consideration.

5. There appears substance in the contention raised on behalf of the applicants that while placing reliance on the order passed in O.A. No. 545/2015 the applicants did not bring it to the notice of this Tribunal that the order passed in O.A. No. 545/2015 is under challenge before Nagpur Bench of Hon'ble Bombay High Court and further that the Hon'ble High Court has vide the order passed on 13.11.2018 has stayed the effect and operation of the order passed in the said O.A.

6. In the circumstances while giving opportunity to the learned counsel appearing for private respondents to file affidavits in reply, we deem it appropriate to stay the effect and operation of the common order passed by this Tribunal in O.A. No. 377/2020 with connected O.As. decided on 02.05.2024. Hence, the following order:-

**ORDER**

(i) The effect and operation of the order passed by this Tribunal on 02.05.2024 in O.A. No. 377/2020 with connected O.As. is stayed till filing of affidavits in reply by the private respondents.

::-5-::

**O.A. NO. 749/2024**

(iii) S.O. to 17.10.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 26.09.2024

**M.A. NO. 486/2024 IN O.A. NO. 1042/2024**  
(Jitendra N. Kale & Ors. Vs. Vijay Cheke & State of Maharashtra & Ors.)

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri S.P. Palshikar, learned counsel for the applicants, Shri S.D. Joshi, learned counsel holding for Shri D.S. Mutalik, learned counsel for respondent in M.A./applicant in O.A. and Shri V.R. Bhumkar, learned Presenting Officer for the State Authorities.

2. Present Application is filed by the intervenors, who are now directed to be impleaded as respondents in the O.A., praying for vacating the interim relief granted in the O.A. on 06.09.2024.

3. Shri Palshikar, learned counsel appearing for the applicants in M.A. pointed out that in the O.A. the applicants have not added any person likely to be aggrieved if any order is passed in favour of applicant despite being aware of the names of the persons, who may be affected. Learned counsel submitted that for this single reason of non-joining of necessary parties the O.A. itself is liable to be dismissed.

4. Learned counsel further submitted that the relief sought by the applicant in para 10-A of the O.A. is already granted in favour of the applicant in O.A. No. 1002/2021 by the Nagpur Bench of this Tribunal on 04.01.2024 and, as such, no such prayer could have been again made by the applicant in the O.A.

5. Learned counsel further submitted that the applicant has sought the directions to correct/revise the promotional list dated 02.07.2024 containing the names of 50 persons in the zone of consideration for their promotion to the post of Executive Engineer (Civil), however, none of the said 50 persons has been made respondent in the O.A. Learned counsel submitted that on the aforesaid ground also the O.A. as it is cannot be entertained.

6. Learned counsel further submitted that apart from the discrepancies as above the applicant has obtained blanket interim relief, because of which all 50 eligible officers are unnecessarily and without any fault on their part are deprived from being promoted to the next higher post. Learned counsel in the

::-3-::

**M.A. NO. 486/2024 IN**  
**O.A. NO. 1042/2024**

circumstances prayed for vacating the interim relief granted on 06.09.2024.

7. Learned counsel for the applicant in O.A. opposed the submissions made on behalf of the applicants. It is contended that the Tribunal has passed the interim order after having considered the pleadings and more particularly has considered the fact that the seniority of the applicant is likely to be totally ignored.

8. Shri Deshpande, learned special counsel appearing for the State authorities on instructions made a statement that within 08 weeks from today the order as has been passed by Nagpur Bench of this Tribunal in favour of the applicant in O.A. No. 1002/2021 will be complied with, meaning thereby that the applicant will be placed in the seniority list immediately after candidate at sr. no. 655. Learned special counsel, therefore, prayed to suitably modify the interim order passed in O.A. on 06.09.2024.

9. We have duly considered the submissions made by the learned counsel appearing for the respective parties. In view of the statement made by the learned

::-4-::            **M.A. NO. 486/2024 IN**  
**O.A. NO. 1042/2024**

special counsel appearing for the State authorities, we may not indulge in considering the objections as are raised by the learned counsel for the applicants and counter given to the said objections by the learned counsel appearing for the applicants in O.A. We are, however, inclined to modify the interim order passed on 06.09.2024 in O.A., which would sufficiently protect the interest of the applicant and would also pave the way for promotion of the other eligible candidates. Hence, the following order:-

**ORDER**

The interim order passed in O.A. No. 1042/2024 on 06.09.2024 is modified as under:-

- (i) The respondents are directed to keep 01 post vacant in the cadre of Executive Engineers (Civil) till decision of the Original Application.
- (ii) It is clarified that in the process of granting promotions in the meanwhile period, if it is noticed that the promotion is granted to the officer junior to the applicant as per the placement of the applicant in view of the order

::-5-::

**M.A. NO. 486/2024 IN**  
**O.A. NO. 1042/2024**

passed by the Tribunal, before the applicant is considered for the said promotion, in the event of his promotion the applicant shall be deemed to have been promoted on the date the said junior officer is promoted.

(iii) The Misc. Application is disposed of in the aforesaid terms, however, without any order as to costs.

(iv) The Original Application be placed on board on 28.10.2024 for filing affidavit in reply by the respondents.

**MEMBER (A)**

ARJ ORAL ORDER 26.09.2024

**VICE CHAIRMAN**



**M.A.NO. 397 OF 2024 IN O.A.NO. 1155 OF 2022  
(Sagar A. Zinzurde Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri L.V. Sangit, learned counsel for the applicant and Shri A.B. Basakar, learned Presenting Officer for the respondent authorities.

2. The applicant has filed the present Misc. Application seeking amendment for the reason that the communication dated 03.12.2020 was never served on the applicant and that was the reason the applicant has filed the Original Application in the year 2022 seeking direction to the respondents to grant compassionate appointment to the applicant.

3. Learned P.O. has strongly resisted the application mainly on the ground that the order has been communicated to the applicant and the applicant has not challenged the said order within time.

4. On careful perusal of the record, more particularly the communication dated 03.12.2020 (Annexure 'A-5') it appears that there is an

//2//

endorsement to the effect that the second copy shall be given to the concerned for communicating and obtaining the signature of the applicant and submission of the same in the office. However, there is no record available nor it has been specifically stated in the say filed in this application seeking amendment that the said communication dated 03.12.2020 has been served on the applicant. Though the learned P.O. has raised some other grounds touching the merits, however, it is open for the respondent authorities to file the detailed reply if it is so needed, if the amendment application is allowed. In view of same, the following order is passed:-

**ORDER**

- (A) The Misc. Application seeking amendment is hereby allowed.
- (B) The applicant is permitted to carry out amendment in the Original Application as stated in schedule A, B and C of the Misc. Application. The applicant is also permitted to annex the G.R. dated 21.09.2017 to the O.A.
- (C) The respondents are at liberty to file say to the amended portion of O.A.

//3//

- (D) The amendment shall be carried out within two weeks from the date of this order.
- (E) The Misc. Application is accordingly disposed of. No costs.
- (F) The Original Application to come up on board on 11.10.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 536 OF 2020**  
**(Ravi U. Vanjare Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. It appears from the submissions made on behalf of applicant that the applicant along with his mother has filed the Original Application St.No. 2420 of 2019 and by order dated 07.01.2020 this Tribunal has disposed of the said application as withdrawn with liberty to the applicant to file fresh application on fresh cause of action.

3. The office is directed to place before this Tribunal the record and proceedings of the Original Application St.No. 2420/2019 along with Misc. Applications, if any.

4. S.O. to 11.10.2024 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 56 OF 2022**  
**(Sidram M. Koli Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri K.P. Rodge, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. S.O. to 18.10.2024 for final hearing.

**MEMBER (J)**

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

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 29.10.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 82 OF 2021**  
**(Deepak S. Zinjurde Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri Joslyn A. Menezes, learned counsel holding for Smt. Amruta Paranjape-Menezes, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.10.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 164 OF 2021  
(Balu A. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**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. S.O. to 15.10.2024 for hearing.

**MEMBER (J)**



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

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 09.10.2024 for hearing.

**MEMBER (J)**

SAS ORAL ORDER 26.09.2024

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

**WITH**

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

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri P.V. suryawanshi, learned counsel for the applicants in both the O.As., Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities in O.A.No. 54/2023 and Shri A.P. Basarkar, learned presenting Officer for the respondent authorities in O.A.No. 73/2024, are present.

2. Learned P.O. seeks leave to file additional affidavit in reply on behalf of respondent No.3 in O.A.No. 54/2023. Leave granted. The reply is accepted and copy thereof is given to other side today itself.

3. S.O. to 23.10.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 210 OF 2023**  
**(Ganesh D. Chhabilwad Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 25.10.2024 for hearing.

**MEMBER (J)**

SAS ORAL ORDER 26.09.2024

**O.A.NO. 414/2023 WITH M.A.NO. 360/2023**  
**(Sachinsingh B. Chauhan Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 10.10.2024 for hearing. The interim relief granted earlier to continue till then.

**MEMBER (J)**

SAS ORAL ORDER 26.09.2024

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

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

**DATE :** 26.09.2024

**ORAL ORDER :**

Shri A.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 21.10.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 733 OF 2023**  
**(Shashikant U. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 28.10.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 798 OF 2023**  
**(Jaywant R. Wagh Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 23.10.2024 for hearing.

**MEMBER (J)**

SAS ORAL ORDER 26.09.2024

**ORIGINAL APPLICATION NO. 815 OF 2023**  
**(Bijusing D. Gusinge Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 09.10.2024 for hearing.

**MEMBER (J)**

SAS ORAL ORDER 26.09.2024



**ORIGINAL APPLICATION NO. 870 OF 2023**  
**(Vijay P. Bauskar Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 29.10.2024 for hearing.

**MEMBER (J)**

SAS ORAL ORDER 26.09.2024

**ORIGINAL APPLICATION NO. 1024 OF 2023**  
**(Pawan S. Waghmare Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 24.10.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 624 OF 2024**  
**(Dinesh B. Nerkar Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

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

2. S.O. to 09.10.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 995 OF 2024**  
**(Gajanan A. Dhangar Vs. State of Maharashtra & Ors.)**

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

**DATE :** 26.09.2024

**ORAL ORDER :**

Smt. Naseembanu I. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Await service of notice on the respondents.
3. Learned counsel for the applicant submits that during course of the day the service affidavit will be filed in the office.
4. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.
5. S.O. to 07.10.2024. The interim relief granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 49 OF 2023**  
**(Sagar Subhash Patil Vs. The State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 18.10.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 26.09.2024-HDD

**ORIGINAL APPLICATION NO. 504 OF 2022**  
**(Kiran Santosh Pawar Vs. The State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 21.10.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

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

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri Anil M. Gaikwad, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 3, are present.

2. S.O. to 03.10.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 13 OF 2024**  
**(Ganesh Tejrao Saaste Vs. The State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 18.10.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO. 757 OF 2022**  
**(Sunil Keshav Rodge Vs. The State of Maharashtra & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. S.O. to 03.10.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 26.09.2024-HDD

**ORIGINAL APPLICATION NO. 1073 OF 2024**  
**(Tukaram B. Lavte Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. Issue notices to the 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. 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. No. 1073/2024

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. Though learned Presenting Officer has placed his reliance on Government Corrigendum dated 22.05.2017 more particularly clause No. (III), however undisputedly the applicant has spent for more than 12 years' service in Tribal area. The applicant had worked as Forest Guard in the area of Tirdya (West) from 02.01.2012 to 31.05.2016 falls in Yawal East Forest Area, Forest Division Jalgaon. Thereafter from 07.06.2016 to 13.08.2020, the applicant had worked as Forest Guard, Devziri West, Yawal Forest Area, which falls in Forest Division of Jalgaon. Thereafter the applicant had worked as Forest Guard in Andharmali from 14.08.2020 till his impugned transfer, which also falls in the Forest Division of Jalgaon. Though on the basis of submissions made by learned Presenting Officer, it appears that the Government Corrigendum dated 22.05.2017 prima-facie can be made applicable to

//3//

O.A. No. 1073/2024

the facts of the present case, however, there is a complete failure of applying G.R. dated 06.08.2002. In terms of said G.R. dated 06.08.2002, the applicant could have been transferred and posted in non-tribal area, as it was done in respect of one of his colleagues viz. Balaji Piraji Johare as pointed out by learned counsel for the applicant.

8. Learned Presenting Officer is hereby directed to take specific instructions in this regard and file appropriate affidavit in reply.

9. S.O. to 17.10.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 197 OF 2023**  
**(Dnyanoba L. Dahiphale Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri B.T. Bodkhe, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 18.11.2024 for hearing.

**MEMBER (J)**

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

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 04.10.2024. Status quo granted earlier to continue till then.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 123 OF 2024**  
**(Dr. Chitralekha S. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Sachin Munde, learned counsel for respondent Nos. 5 to 7, are present.

2. At the request of learned Presenting Officer, S.O. to 11.10.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 588 OF 2024**  
**(Manoj N. Fhulboyane Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri S.B. Madde, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 4. Same is taken on record along with spare copy for the applicant.
3. S.O. to 28.10.2024 for filing rejoinder affidavit, if any.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 775 OF 2024**  
**(Sunita S. Pophale Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Smt. Vanita Choudhary, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 3 and 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 28.10.2024 for filing rejoinder affidavit, if any.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1056 OF 2024**  
(Bharat M. Shete Vs. State of Maharashtra & Ors.)

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Smt. Sangita Sonpethkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 10.10.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1091 OF 2024**  
**(Shivram B. Suryawanshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 21.10.2024.

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 21.10.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1152 OF 2024**  
**(Dr. Ashwini A. Ghogle (Bhamre) Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. Issue notices to the respondents, returnable on 10.10.2024.

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 10.10.2024.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1157 OF 2024**  
**(Dr. Kapileshwar M. Choudhari Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. At the request of learned counsel for the applicant, S.O. to 30.09.2024.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1159 OF 2024**  
**(Chandrasekhar A. Kamble Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. The office has raised an objection that the Original Application is barred by limitation.

3. Learned counsel for the applicant seeks leave to file Misc. Application for condonation of delay. Leave granted.

4. S.O. to 11.10.2024.

**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 : 26.09.2024**

**ORAL ORDER :**

Shri P.B. Umrani, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. At the request of learned Presenting Officer, S.O. to 30.09.2024 for instructions **in urgent admission category**.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 795 OF 2022**  
**(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Shri V.P. Golewar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. It is a part heard matter. At the request of learned Presenting Officer, as a last chance, S.O. to 10.10.2024 for filing additional affidavit in reply to the amended O.A.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 706 OF 2023**  
**(Kishan I. Waghmare Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

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

2. The present matter is reserved for orders.

**MEMBER (J)**

**M.A. No. 393/2023 in O.A. St. No. 1664/2023**  
**(Dwarkabai Ramnath Kumkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri M.S. Mahajan, learned counsel holding for Shri K.N. Tayade, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. There is a delay of 06 months and 26 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that the applicant had submitted an application for compassionate appointment on 23.03.2021 and by communication dated 28.01.2022, the respondent No. 2 has refused to give appointment to the applicant. Being aggrieved by the same, the applicant had approached to the Hon'ble High Court of Bombay, Bench at Aurangabad by filing W.P. No. 2019/2023 and by order dated 25.07.2023, the Hon'ble High Court has disposed of the said W.P. by granting liberty to the applicant to approach this Tribunal.

//2// M.A. No. 393/2023 in  
O.A. St. No. 1664/2023

4. Learned counsel for the applicant submits that the applicant has supposed to file Original Application within one year from the date of communication dated 28.01.2022 i.e. on or before 27.01.2023. However, the Hon'ble High Court of Bombay, Bench at Aurangabad has decided W.P. No. 2019/2023 on 25.07.2023. Learned counsel thus submits that the delay, if any may be condoned.

5. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay caused in filing the accompanying Original Application, for which no satisfactory explanation has been tendered by the applicant. Learned P.O. submits that there is no substance in the Misc. Application seeking condonation of delay and the same is liable to be dismissed.

6. In terms of the ratio laid down in a case of **M.P. Steel Corporation Vs. Commissioner of Central Excise** reported in **(2015) 7 Supreme Court Cases 58**, the Hon'ble Supreme Court has taken a view that bonafidely, if wrong forum is chosen though Section 14 of the Limitation Act, 1963 cannot be made applicable to the proceedings before the Tribunal,

//3// M.A. No. 393/2023 in  
O.A. St. No. 1664/2023

however, principally, those provisions can be made applicable and thus, the delay can be condoned.

7. In view of above, it is apparent on the face of record that the applicant has initially approached the Hon'ble High Court of Bombay, Bench at Aurangabad and after liberty is granted to the applicant, the applicant has filed the O.A., which has been delayed. There is no inaction on the part of the applicant. There is no intentional or deliberate delay as such. Considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of some costs by the applicant. Hence, the following order :-

**ORDER**

- (i) The Misc. Application No. 393/2023 is hereby allowed.
- (ii) The delay of 06 months and 26 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred Only) to be paid by the

//4// M.A. No. 393/2023 in  
O.A. St. No. 1664/2023

applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.

- (iii) 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.
- (iv) The M.A. accordingly disposed of.

**MEMBER (J)**

**O.A. St. No. 1664/2023**

**(Dwarkabai R. Kumkar Vs. State of Maharashtra & Ors.)**

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

**DATE : 26.09.2024**

**ORAL ORDER :**

Heard Shri M.S. Mahajan, learned counsel holding for Shri K.N. Tayade, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. After registration, issue notices to respondents, returnable on 20.11.2024.

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

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

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

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

7. S.O. to 20.11.2024.

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

**MEMBER (J)**