

ORIGINAL APPLICATION NO. 29 OF 2020
(Shaikh Akhtar Hussain Mohd. Hanif Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri P.B. Rakhunde, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

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

3. S.O. to 02.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 186 OF 2021
(Namdeo A. Fad Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.12.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

**ORIGINAL APPLICATION NO. 189 OF 2021
(Sakaharam C. Kashid Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate for the Applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 to 4.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.12.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

**ORIGINAL APPLICATION NO. 214 OF 2021
(Ramnath N. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate for the Applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 & 3.

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.12.2021. Interim relief granted earlier to continue till next date.

MEMBER (J)

**ORIGINAL APPLICATION NO. 336 OF 2021
(Raosaheb S. Bhosale Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned Advocate for the Applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 & 3.

2. Learned Presenting Officer for respondent No. 1 and learned Advocate for respondent Nos. 2 & 3 seek time for filing affidavit in reply. Time granted.
3. S.O. to 01.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 457 OF 2021
(Sahil A. Kankal Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Smt. Kavita Jamdhade, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

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

3. S.O. to 02.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 458 OF 2021
(Mahendra K. Yangade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Smt. Kavita Jamdhade, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

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

3. S.O. to 02.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 489 OF 2021
(Sanjay N. Hange Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021.

MEMBER (J)

**M.A. No. 39/2021 in O.A. St. No. 37/2021
(Azizkhan Y. Pathan Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Smt. V.N. Sonawane, learned Advocate holding for Shri N.D. Sonawane, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021.

MEMBER (J)

KPB ORAL ORDERS 27.10.2021

**M.A. No. 88/2021 in O.A. St. No. 323/2021
(Shrikant K. Bhale Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021.

MEMBER (J)

KPB ORAL ORDERS 27.10.2021

**ORIGINAL APPLICATION NO. 479 OF 2019
(Khobraji L. Bele Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Shri N.R. Thorat, learned Advocate for the Applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. As none present for the applicant, S.O. to 06.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 297 OF 2021
(Manjusha M. Mutha Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Pleadings are complete. The present O.A. is admitted and it be kept for final hearing on 06.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 460 OF 2021
(Dr. Narayan G. Lokade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021.

MEMBER (J)

M.A. No. 71/2021 in O.A. No. 80/2021
(State of Maharashtra & Ors. Vs. Bhimrao N. Kokate)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A./ respondents in O.A. and Shri Shamsunder B. Patil, learned Advocate for respondent / applicant in O.A.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 27.10.2021

ORIGINAL APPLICATION NO. 230 OF 2020
(Ashwini D. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 25.11.2021 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 697 OF 2019
(Shobha B. Khade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 26.11.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 982 OF 2019
(Govind Y. Bharaskhale Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 26.11.2021 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 310 OF 2020
(Sandip P. Nalawade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 13.12.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 675 OF 2021
(Dr. Balaji M. Mirkute Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent Nos. 1 to 4.

2. The applicant is working as a Medical Officer Group-A. Presently he is posed at P.H.C. Kapshi, Tq. Loha, Dist. Nanded, pursuant to the movement order dated 22.09.2021 (part of Annexure A-4 Collectively) issued by the Dy. Director of Health Services, Latur Division, Latur i.e. the respondent No. 3 in view of directions issued by the respondent No. 4 i.e. the Chief Executive Officer, Zilla Parishad Nanded as per letter dated 20.09.2021 (Annexure A-4 Collectively). Accordingly, the applicant joined on the said post on 02.10.2021 as per joining order dated 01.10.2021 issued by the respondent No. 4 the Chief Executive Officer, Zilla Parishad Nanded.

3. Initially the applicant was transferred as per the transfer order dated 09.08.2021 (Annexure A-2) from Taluka Health Officer, Nanded to Taluka Health

//2// O.A. No. 675/2021

Officer, Loha, Dist. Nanded. He joined on the said post on 30.08.2021. Thereafter, by the subsequent transfer order dated 17.09.2021 (Annexure A-3) the applicant was again transferred from Loha to P.H.C. Sindhi, Tq. Umri, Dist. Nanded. As per the same transfer order, one Dr. Maroti Jagdish Hanmant at Sr. No. 106 was also transferred to P.H.C. Sindhi, Tq. Umri, Dist. Nanded. As there were two postings at one place at Sindhi, Tq. Umri, Dist. Nanded, the applicant has been accommodated at the vacant place of Medical Officer, P.H.C. Kapshi (Bk), Tq. Loha, Dist. Nanded.

4. Thereafter by the impugned order dated 13.10.2021(Annexure A-1) the respondent No. 5 i.e. Dr. Shamrao L. Sawant has been transferred from P.H.C. Kurula, Dist. Nanded to P.H.S. Kapshi, Tq. Loha, Dist. Nanded where the applicant is working. The applicant apprehends that by the said impugned order, he is likely to be displaced.

5. Perusal of the pleadings and documents on record would show that there are 2 posts of Medical Officer Group-A at P.H.C. Kapshi, Tq. Loha Dist. Nanded. One post thereof is occupied by one Shri Mueshwar and one post is occupied by the applicant.

The applicant apprehends that he is likely to be displaced, as the transfer order of respondent No. 5 according to him would have been passed considering the earlier vacant post there. However, considering the documents produced by the applicant himself, it is evident that the applicant has been posted at his present place and he is working there. In view this, I found no substance prima-facie in the apprehension and on mere apprehension order of stay cannot be granted. Therefore, I am not inclined to grant interim stay at this stage.

6. Issue notice to the respondents, returnable on 02.12.2021.

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

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

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O.A. No. 675/2021

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

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

11. S.O. to 02.12.2021.

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

13. The present matter be placed on separate board.

MEMBER (J)

**M.A. No. 350/2021 in O.A. No. 333/2020
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant, Shri D.R. Patil,, learned Presenting Officer for the Respondent Nos. 1 and 3 and Shri Shamsunder B. Patil, learned Advocate for respondent No. 2.

2. The Original Applicant is filed challenging the communication dated 06.03.2021 issued by the respondent No. 2 i.e. the Executive Engineer, Jalna showing recovery of Rs. 5,62,500/- on account of occupying Government quarters from pensionary benefits and arrears of 7th Pay Commission. Thereafter, the amount of Rs. 3,31,375/- is recovered from the arrears of 7th Pay Commission and remaining amount of Rs. 2,31,125/- is ordered to be recovered from the pension amount. He has also challenged the letter dated 24.12.2019 issued by the respondent No. 3 i.e. the Accountant General, Nagpur showing recovery of amount of Rs. 5,62,500/-

3. The present Misc. Application is filed by the applicant seeking amendment in the Original Application stating that as no interim order of stay was granted in O.A., some recovery is done from the pension amount of the applicant. Total recovery is done to the tune of Rs. 5,26,375/-

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M.A. 350/2021 in
O.A. 333/2020

4. Learned Presenting Officer for respondent Nos. 1 and 3 and learned Advocate for respondent No. 2 opposed the Misc. Application.

5. Considering the proposed amendment, it is evident that the applicant is bringing on record the subsequent development relevant to the contentions raised in the Original Application. Hence, in my opinion, the proposed amendment is just and necessary to determine the real question of controversy between the parties and would not change the nature of the original proceedings. Hence, I pass following order:-

ORDER

1. The M.A. No. 350/2021 is allowed.
2. The applicant shall carry out the necessary amendment in the O.A. within period of one month and amended copy of the O.A. be supplied to the other side.
3. Accordingly, M.A. stands disposed of with no order as to costs.

MEMBER (J)

O.A. No. 333/2020
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant, Shri D.R. Patil,, learned Presenting Officer for the Respondent Nos. 1 and 3 and Shri Shamsunder B. Patil, learned Advocate for respondent No. 2.

2. S.O. to 29.11.2021.

MEMBER (J)

KPB ORAL ORDERS 27.10.2021

**O.A. Nos. 379, 408, 536, 537, 538, 539, 550, 551
and 704 All of 2018**
(Dr. Kanchan T. Bhorge & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the Applicants in all these O.As. and Shri M.P. Gude,, learned Presenting Officer for the Respondents in all these O.As.

2. Learned Advocate for the applicants placed on record a copy of requisition dated 18.10.2021 in respect of meeting held by the Hon'ble Minister of Medical Education on 21.10.2021 in respect of various demands made by the Medical Officers. On instructions, learned Advocate for the applicants stated that in the said meeting issue of regularization of the Medical Officer was also discussed. Copy of the said requisition is taken on record and marked as document 'X' for the purpose of identification.

3. At the request of learned Presenting Officer, time is granted as a last chance for filing additional affidavit in reply to the amended portion.

4. S.O. to 07.12.2021.

MEMBER (J)

C.P.NO. 48/2019 IN O.A.NO. 933/2018
(Gajanan M. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri L.S. Shaikh, learned Advocate for the petitioner and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that already affidavit in reply on behalf of respondent No. 1 is filed on record. He further submits that copy of the said affidavit in reply is already served on the learned Advocate for the applicant.

3. S.O. to 10.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

O.A.NO. 892/2018 WITH O.A.NO. 901/2018
(Dhananjay D. Chandodkar & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Shri S.S. Thombre, learned Advocate for the applicants in both these cases (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondents in both these case, present.

2. Record shows that the present cases are fixed today for filing rejoinder affidavit. Since none appears for the applicants, S.O. to 10.12.2021. Interim relief granted earlier in O.A. No. 892/2018 to continue till then

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

ORIGINAL APPLICATION NO. 1021 OF 2019
(Dr. Prashant D. Warkari Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 183 OF 2020
(Rajendra G. Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted as a last chance.

3. S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

ORIGINAL APPLICATION NO. 562 OF 2020
(Amol B. Bari Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 198 OF 2021
(Umesh A. Bavare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 8 and Shri Suhas R. Shirsath, learned Advocate for respondent Nos. 9 to 15.

2. Learned Advocate for the applicant has filed rejoinder affidavit and the same is taken on record and copy thereof has been served on the other side.

3. S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 333 OF 2021
(Supriya G. Nande Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri P.G. Tambde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. In view of above, S.O. to 13.12.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 419 OF 2021
(Deepak P. Dungahu Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 5 & 6 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant. He seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 4. Time granted.

3. S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 424 OF 2021
(Dr. Vaibhav G. Wakade Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 & 5.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 17.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 564 OF 2021
(Sahas S. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

3. S.O. to 15.12.2021.

MEMBER (A)

MEMBER (J)

**M.A. 56/21 IN M.A.ST.346/20 IN O.A. 563/14
(Tushar B. Rajput Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri H.V. Tungar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted as a last chance.

3. S.O. to 9.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

ORIGINAL APPLICATION NO. 422 OF 2020
(Nilesh R. Tagad & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 & 2 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicants.

3. At the request of learned Advocate for the applicants, S.O. to 17.11.2021 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

C.P.NO. 5/2021 IN O.A.NO. 546/2019
(Pallavi D. Pavshe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Vivekanand V. Ingle, learned Advocate for the petitioners and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that the pleadings are complete. S.O. to 10.12.2021 for hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

C.P.NO. 6/2021 IN O.A.NO. 165/2019

(Supriya K. Deshpande & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Vivekanand V. Ingle, learned Advocate for the petitioners and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that the pleadings are complete. S.O. to 10.12.2021 for hearing.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

ORIGINAL APPLICATION NO. 58 OF 2020
(Ritesh R. Kaware & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri R.K. Ashtekar, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for respondent No. 4.

2. Record shows that additional affidavit is filed on behalf of the applicant in the registry of this Tribunal after this matter is part heard.

3. Learned Advocate for respondent No. 4 submits that he has received the copy of additional affidavit filed by the applicants day before yester and he would like to file his response and seeks time. Time granted.

4. S.O. to 22.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 260 OF 2021
(Ramrao K. Yadav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Vaibhav U. Pawar with Shri Sandeep D. Munde, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants pointed out from the affidavit in reply filed on behalf of respondent Nos. 1 to 6, wherein in paragraph 8 the statement is made that, "the applicants will get the opportunity to appear in the departmental examination once the pandemic situation is eradicated and the situation gets normal." In view of this statement the learned Presenting Officer to seek instructions from the concerned respondents as to whether now situation is feasible to conduct the departmental examination.

3. The present case be treated as part heard. S.O. to 22.11.2021.

MEMBER (A)

MEMBER (J)

M.A.NO. 103/2020 IN O.A.ST.NO. 146/2020
(Ramchandra N. Palmate Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Shri V.P. Golewar, learned Advocate for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to 7.12.2021 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

M.A.NO. 154/2021 IN O.A.ST.NO. 297/2021
(Baliram S. Sapkale & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 29.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

ORIGINAL APPLICATION NO. 57 OF 2018
(Uttam T. Dabhade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants has filed short affidavit pursuant to directions given by this Tribunal by order dated 8.10.2021 and the same is taken on record and the copy thereof has been served on the learned Presenting Officer for the respondents.

3. The respondents to file response, if any, to the aforesaid short affidavit filed by the applicants, on the next date of hearing.

4. S.O. to 18.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 298 OF 2021
(Ramesh Genu Devkhile Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply has already been filed on behalf of respondent Nos. 1 & 2 on record.

3. The present Original Application was initially filed by two applicants. Therefore, the said applicants filed M.A. St. No. 558/2021 seeking permission to sue the respondents jointly. However, during the hearing of the said M.A. it was found that applicant No. 2 i.e. Suhas Ratilal Patil is working as Assistant Conservator of Forest at Nasik, which place is not within the jurisdiction of this Bench. In the circumstances, by order dated 28.6.2021 the said M.A. was rejected. Consequently, the present O.A. was proceeded only in respect of applicant No. 1 i.e. Ramesh Genu Devkhile.

4. It is the case of the applicant that he was selected as Range Forest Officer in the year 1989. The advertisement

issued by the Maharashtra Public Service Commission specifically mentioned that the candidates, who have passed intermediate or HSC examination will be selected for two years training in the Government recognized Forest Training College, whereas the candidates who are graduates were selected for one year training. The applicant is a graduate candidate. In view of the same, he was entitled to have training of one year. For administrative reasons he was not sponsored for one year's training in the year 1989. Thereafter, during the period from 1989-93 the Government decided to increase training period of graduate candidates from one year to two years. In the circumstances, the applicant got appointment only in the year 1995 after completion of two years training. Annexure 'A-4' is his appointment letter dated 21st September, 1995. In the circumstances, the O.A. is filed by the applicant seeking deemed date of appointment as that of 12.11.1991, which was the date of appointment of last undergraduate candidate, who completed his training in the batch of 1991. In that regard, the applicant filed representation dated 11.11.2020 (Annexure 'A-7', page-31).

5. The respondents have admitted the abovesaid averments of the applicant and receipt of the representation. It is a matter of record that proposal dated 15.2.2021 (Annexure 'A-8', page-38) is sent by the respondent No. 2, Additional Principal Chief Conservator of

Forest, Nagpur to respondent No. 1 i.e. the State of Maharashtra through the Chief Principal Secretary (Forest), Revenue & Forest Department, Mantralaya, Mumbai, pursuant to the representation made by the applicant. It is contended in affidavit in reply that the said representation is still pending with the respondent No. 1, the State Government of Maharashtra.

6. The above facts on record would show that since more than 8 months the proposal is pending for decision before the respondent No. 1, the State Government of Maharashtra. The applicant is going to retire from the Government service in the month of May, 2022. In the circumstances, the proposal ought to have been taken into consideration and decided by the respondent No. 1 at the earliest, but that has not happened.

7. In the circumstances as above learned Advocate for the applicant submits that the present Original Application can be disposed of by granting timeframe to the respondent No. 1, the State Government of Maharashtra, to decide the proposal dated 15.2.2021 submitted by respondent No. 2 to respondent No. 1 pursuant to the representation of the applicant. In the facts and circumstances of the present case, in our considered opinion, the present O.A. can be disposed of accordingly. We, therefore, direct the respondent No. 1, the State Government of Maharashtra, to

decide the proposal dated 15.2.2021 (Annexure 'A-8') submitted by respondent No. 2 to respondent No. 1 on or before 31st December, 2021 in accordance with law and to communicate the decision thereon to the applicant in writing within a period of 15 days thereafter.

8. With the above observations and directions, the present Original Application stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 668 OF 2021
(Raosaheb M. Mukhamwad Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Amol Chalak, learned Advocate holding for Shri Anand S. Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. The present Original Application is filed challenging the impugned order dated 17.8.2021 and corrigendum dated 16.9.2021 both issued by respondent No. 3 thereby invalidating the sport certificate on the basis of which the applicant entered into service as Police Constable in the year 2017. It is the contention of the applicant that the original sport certificate was verified and at the time of appointment it was re-verified. The applicant has completed two years of service.

3. Learned Advocate for the applicant submits that in similarly placed matter the Principal Seat of this Tribunal at Mumbai has granted interim relief in 5 matters including the O.A. No. 835/2021. He produced the copy of the said order dated 25.10.2021.

4. In the circumstances, *prima facie*, it appears that the applicant is in service since last two years. The sport certificate was initially verified and at the time of appointment it was re-verified. It seems that the applicant has preferred requisite appeal against the impugned order dated 17.8.2021 and the same is pending. In the circumstances, we order that coercive action should not be taken against the applicant till decision of the said appeal. In the circumstances, question such as limitation and alternate remedy are kept open.

5. Issue notices to the respondents, returnable on 15.12.2021

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

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

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

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

10. S.O. to 15.12.2021.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 349/2021 IN O.A.ST.NO. 1497/2021
(Amol V. Chate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By this Miscellaneous Application the applicants are seeking permission of this Tribunal to sue the respondents jointly.

3. The Original Application is filed challenging the impugned advertisement No. 106/2021 – State Service Preliminary Examination – 2021 dated 4.10.2021 and corrigendum dated 8.10.2021 on the ground that no posts are reserved for NT-C and NT-D category as per 3.5% and 2% reservation out of total posts. The applicant Nos. 1 to 3 are belonging to NT-D category and applicant No. 4 is belonging to NT-C category. In view of the same, all the applicants are claiming similar relief from the same dispute and the same authority and cause of action to file the O.A. is also same. In the circumstances, in order to avoid multiplicity of the proceedings and conflicting decision, it would be just and proper to grant permission to the

**:: - 2 - :: M.A.NO. 349/2021 IN
O.A.ST.NO. 1497/2021**

applicants to sue the respondents jointly subject to payment of court fee stamps, if not paid.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

ORIGINAL APPLICATION ST.NO. 1497 OF 2021
(Amol V. Chate & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 30.11.2021
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

:: - 2 - :: O.A. ST.NO. 1497/2021

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 30.11.2021.

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

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

C.P.NO. 24/2020 IN O.A.NO. 937/2018
(Pradip S. Dahale Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Mrs. Suchita Amit Dhongde, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The present contempt petition arises out of order dated 2.7.2019 passed by this Tribunal in O.A. No. 937/2018.

3. Learned Presenting Officer has filed a copy of communication dated 11.10.2021 received from respondent No. 3 i.e. the Executive Engineer along with copy of order dated 6.10.2021 passed by the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in W.P. No. 14436/2019 and the same is taken on record and marked as document 'X' for the purpose of identification.

4. The said documents show that the order in question dated 2.7.2019 passed in O.A. No. 937/2018 was challenged by the respondent-State by preferring W.P. No. 14436/2019. By order dated 6.10.2021 the said writ petition is disposed of thereby setting aside the said order

**:: - 2 - :: C.P.NO. 24/2020 IN
O.A.NO. 937/2018**

of the Tribunal and matter is remanded to the Tribunal to decide the same afresh after hearing the party expeditiously.

5. In view of the above, the present contempt petition becomes infructuous. Hence, it is disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-HDD

ORIGINAL APPLICATION NO. 530 OF 2021
(Priya Rajeev Awhad Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

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

2. Record shows that the pleadings are complete. The present case is admitted and fixed for final hearing.

3. As per order dated 23rd September, 2021 passed by the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in W.P. No. 10574/2021 the applicant was allowed to upload form for main examination. Pursuant to that the applicant has uploaded her form on the website. Learned Advocate for the applicant submits that during the process of uploading the form on website she faced certain difficulties, which she has narrated in the rejoinder affidavit along with the necessary documents. The Hon'ble High Court in paragraph 8 of the said order has been pleased to observe as follows: -

“8. The respondents may allow the petitioner to upload the form. However, the same shall be subject to the decision by the Tribunal in Original

Application. The petitioner shall not be entitled to appear for the exam without further orders of the Tribunal. The Tribunal may endeavour to decide the Original Application before 31.10.2021.”

4. The Hon’ble High Court has been pleased to express that the matter be decided before 31.10.2021 by the Tribunal.

5. Earlier the schedule date of main examination was 31.10.2021. Learned Advocate for the applicant had filed yesterday the press note dated 14.10.2021 showing that the said examination is now postponed to 20.11.2021. He submits that the admit card for the said examination is likely to be issued by 13th November, 2021. We have Diwali Vacation till 14th November, 2021. In these circumstances, in our considered opinion that at this stage it would be just and proper to grant permission to the applicant to appear for the main examination. However, result of the applicant should not be declared and should be withheld and it would be subject to the decision in the present Original Application. It is ordered accordingly.

6. S.O. to 1.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 249 OF 2021
(Dr. Pandit R. Rathod & 8 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1, 3 & 4, Shri Balaji S. Shinde, learned Advocate for respondent No. 2, Shri C.D. Biradar, learned Advocate for respondent No. 5 and Shri Rakesh Jain, learned Advocate for respondent No. 6. None appears for respondent Nos. 7 & 8.

2. At the request of learned Presenting Officer and learned Advocates for the respective respondents, S.O. to 30.11.2021 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2021
(Dr. Swapnil S. Ajabe & 33 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Jayant S. Deshmukh, learned Advocate for the applicants, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3, 5, 7, 8 & 9 and Ms. Vanita H. Sangole, learned Advocate holding for Ms. Ashwini Hoge Patil, learned Advocate for respondent No. 4. None appears for the other respondents.

2. Today, Shri N.U. Yadav appeared and submitted that he is appearing on behalf of respondent No. 10. He has filed VAKALATNAMA on his behalf and the same is taken on record.

3. At the request of learned Presenting Officer and learned Advocates for the respective respondents, S.O. to 30.11.2021 for filing affidavit in reply.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.384 OF 2019
(Vinayak B. Kapse & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Mahendra B. Kolpe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The present matter is already part heard.
3. By consent of both the sides, S.O. to 18.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-SAS

**ORIGINAL APPLICATION NO.142 OF 2018
(Suresh L. Moholkar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 08.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-SAS

ORIGINAL APPLICATION NO.653 OF 2018
(Gorakshnath N. Londhe & Ors. Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO.654 OF 2018
(Somnath B. Bagul & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicants in both the O.As. and Shri B.S. Deokar, learned Presenting Officer for the respondents in both the O.As.

2. Due to paucity of time, S.O. to 01.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-SAS

**ORIGINAL APPLICATION NO.76 OF 2019
(Nilesh S. Badgajar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 18.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-SAS

**ORIGINAL APPLICATION NO.412 OF 2019
(Mohd Faiz Mohd Ibrahim Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 02.12.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.141 OF 2021 WITH M.A.NO.121 OF 2021 IN
O.A.NO.295 OF 2019 WITH C.P.NO.03/2021**

**(State of Maharashtra & Ors. Vs. Maharashtra Rajya
Hangami Hivtap Prayogshala Karmachari Sangathana
through its President)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri I.S. Shorat, learned Presenting Officer for the respondents in M.A.No.141/2021 (respondents in O.A.), Ms. Preeti R. Wankhade, learned Advocate for respondent in M.A.No.141/2021 (applicant in C.P.) and Shri S.P. Dhobale, learned Advocate holding for Shri Vinod Patil, learned Advocate for the intervenor (M.A.No.121/2021).

2. Due to paucity of time, S.O. to 29.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-SAS

**ORIGINAL APPLICATION NO.259 OF 2021
(Mohd Faiz Mohd Ibrahim Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. We have heard the learned Advocate for the applicants who is pressing for interim relief and to some extent the learned C.P.O. for the respondents opposing the same.

3. Learned Advocate for the applicants submits that the applicant No.8 Smt. Saraswati Jalinder Neharkar is being called for counseling today by issuing order as well as S.M.S. which is produced on record by the learned Advocate at page no. 4 of today's compilation produced by him, which shows that by letter dated 22.10.2021 Smt. Saraswati Jalinder Neharkar i.e. the applicant no.8 is called for counseling on 27.10.2021 and she is present there.

4. Learned C.P.O. for the respondents seeks time till tomorrow for seeking instructions.

//2//

O.A.259/2021

5. In view of same, matter is kept tomorrow i.e. on 28.10.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-SAS

**ORIGINAL APPLICATION NO.320 OF 2020
(Santosh N. Dhongade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 06.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 27.10.2021-SAS

**M.A.NO.76 OF 2021 IN O.A.ST.NO.196 OF 2021
(Shivaji Shivram Chintamani Vs. State of Maharashtra
& Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

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

2. This Miscellaneous Application No.76 of 2021 in Original Application ST.No.196 of 2021 has been filed on 08.03.2021 by the original applicant Shri Shivaji Shivram Chintamani, a retired Gate Keeper in Jayakwadi Irrigation Division No.3, Sub-Division Nos.2 & 4. The Applicant has filed the Original Application on 11.02.2021 challenging the order dated 12.04.2012 issued by respondent authority in respect of sanctioning him benefit of scheme of "Designation as per Work and pay scale as per Designation" (कामानुसार हुद्दा व हुद्दयानुसार वेतनश्रेणी). The said scheme was introduced by Government of Maharashtra, Public Works Department, vide Government Resolution No.संकीर्ण १९९९/९० भाग-४/सेवा-५, मंत्रालय, मुंबई, दि.२९.०९.२००३.

3. The original applicant has filed the Original Application on the main ground that he had not requested for benefit of scheme at the first place. He has further stated in para no.8 of the Original Application that "if the

//2//

M.A.76/2021 IN
O.A.St.196/2021

benefit of higher pay scale would not have been given to him pursuant to Government Resolution dated 15.09.2011 issued under scheme under the G.R. dated 29.09.2003, the applicant would have been promoted from Group 'D' to Group 'C' and would have got the pay scale of the grade pay of 5200-20200-G.P.-2400 of the post of Clerk, but the applicant was given benefit of scheme of "कामानुसार हुद्दा व हुद्यानुसार वेतनश्रेणी" and due to that the applicant was granted the pay scale of 5200-20200-G.P.-1900. Therefore, the original applicant has prayed to allow to revert back to the post of Group 'D' cancelling benefit granted to him under scheme of "कामानुसार हुद्दा व हुद्यानुसार वेतनश्रेणी", revise his pay to the original level, fix the pay by granting him benefit of Time Bound Promotion scheme and Assured Career Progression Scheme on promotional cadre of Jr. Clerk and Senior Clerk and accordingly re-fix his pay and finally re-fix his pension and post retirement benefit.

4. As the benefit of scheme of "कामानुसार हुद्दा व हुद्यानुसार वेतन श्रेणी" was approved to the original applicant vide order dated 12.04.2012, the Original Application seeking cancellation of the said order for the purpose of recharting his career trajectory, getting him salary difference, re-fixing his pension and pensionary benefits stands time barred. Therefore, the Miscellaneous Application has been filed for condonation of delay of six years eight months (2430 days) excluding period of delay due to Covi-19 related lock down.

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5. The applicant has prayed for condonation of delay on the ground that the delay is not intentional or deliberate but due to lack of knowledge and also due to mistake on part of respondents of extending him benefit of the scheme of “कामानुसार हुद्दा व हुद्यानुसार वेतन श्रेणी” . He has also stated that due to granting of benefits of the said scheme, he is getting less pension.

6. The respondents have opposed condonation of delay by filing affidavit-in-reply on the ground that the applicant has not explained the long delay in filing the Original Application with any justifiable ground.

7. **Facts of the case:-**

Following facts come to our notice on perusal of documents submitted with the O.A. and M.A.

- (a) The applicant had availed the benefit of scheme of “कामानुसार हुद्दा व हुद्यानुसार वेतन श्रेणी” granted to him vide G.R. of Water Resources Department No. संकीर्ण—२०१०/(१०/१०)/आ (काम) मंत्रालय, मुंबई dated 15.09.2011 under which his pay was fixed as per provision of the scheme w.e.f. 29.09.2003 and his pay was fixed by office order issued by Superintending Engineer and Administrator Command Area Development, Beed, order No. ३६९/पू.क्र.ला.श्रे.वि.प्रा. /बीड/आ—२/१९१/सो दि.१२.०४.२०१२. He has been

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M.A.76/2021 IN
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aware of his new designation is evidenced from the own particulars filled by him in Format 5 of preparation of pension case under Rule 121 (1) C and (1) of M.C.S. (Pension)Rules, 1982.

- (b) The applicant was also a co-applicant in O.A. No.841/2016. At that time too, he had not expressed any grievance while mentioning his post of Door Keeper with effect from date 01.06.2012 and instead prayed for benefit under scheme of “कामानुसार हुद्दा व हुद्यानुसार वेतन श्रेणी”. This is evident from para no.4 of the order passed by this Tribunal in O.A.No.841/2016, which is reproduced below for ready reference:-

“It is their contention that on 29.09.2003, the Government has issued G.R. titled as schem“कामानुसार हुद्दा व हुद्यानुसार वेतनश्रेणी देण्याबाबत” and decided to grant pay scale according to allotment of work. As per G.R., they are entitled to get pay scale of the post, which they are holding and as per the work allotted to them subject to fulfillment of the requirements mentioned therein. It is their contention that they were working on the higher post i.e. Wireless Operator and Door Keeper, but they had been paid salary for the lower post. It is their contention that the Respondents had given effect to the G.R. dated 29.09.2003 and

//5// M.A.76/2021 IN
O.A.St.196/2021

extended the benefit to them, but by impugned orders dated 14.05.2009 and 08.12.2009, they had extended the benefit of the G.R. with effect from 02.06.2008. The Respondents deprived the Applicant from their legitimate right to get arrears with effect from the date of G.R. dated 29.09.2003.”

- (c) On other hand Hon’ble Tribunal at Aurangabad bench had granted relief in Original Application No.841/2016 by passing order on 24.05.2018 which has been availed by the original applicant in the present Original Application No.196/2021 too and therefore, has no valid reasons to grudge against this except by way of afterthought.

7. Conclusion:- In view of facts before me, I am of considered opinion that the applicant has been changing his stand as afterthought and trying to gain financial benefits by pursuing multiple judicial proceedings one after another taking mutually inconsistent stands. The grounds for condonation of delay stated in the Miscellaneous Application are without basis, vague and misleading. Therefore, I hereby pass following order:-

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M.A.76/2021 IN
O.A.St.196/2021

ORDER

- (A) The Miscellaneous Application No.76/2021 is hereby dismissed for reasons of being devoid of merit.
- (B) As a consequence, the Original Application St. No.196/2021 too, is hereby dismissed being time barred.
- (C) No order as to costs.

MEMBER (A)

**ORIGINAL APPLICATION NO. 148 OF 2020
(Gorakshnath J. Bhalerao Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.10.2021

ORAL ORDER :

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

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

3. With the consent of both the sides, S.O. to 18.11.2021 for hearing at the stage of admission.

MEMBER (J)

ORAL ORDERS 27.10.2021-ARJ

ORIGINAL APPLICATION NO. 747/2019
(Prashant M. Wayukar Vs. State of Maharashtra & Ors.)
AND
ORIGINAL APPLICATION NO. 948/2019
(Manohar K. Mulmule & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.10.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants for the applicants in both the cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondents in both the cases.

2. Arguments of both the sides are heard at length.
3. Both the matters are closed for orders.

MEMBER (J)

ORAL ORDERS 27.10.2021-ARJ

**ORIGINAL APPLICATION NO. 12 OF 2020
(Vaibhav V. Chandle & Ors. Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.10.2021

ORAL ORDER :

Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Arguments of both the sides are heard at length.
3. The matter is closed for orders.

MEMBER (J)

ORAL ORDERS 27.10.2021-ARJ

**ORIGINAL APPLICATION NO. 205 OF 2019
(Vajnath M. Karadkhele Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned Advocate for respondent no. 3.

2. Arguments of both the sides are heard at length.
3. The matter is closed for orders.

MEMBER (J)

ORAL ORDERS 27.10.2021-ARJ

Date : 27.10.2021

O.A. 682/2021

(Ashok K. Mehetre V/s State of Maharashtra & Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

1. Dr. Kalpalata Patil - Bharaswadkar , learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on 25.11.2021. The case be listed for admission hearing on 25.11.2021.

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

4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 27.10.2021

O.A. 683/2021

(Dhanaji A. Ugale V/s State of Maharashtra & Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

1. Dr. Kalpalata Patil - Bharaswadkar , learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on 25.11.2021. The case be listed for admission hearing on 25.11.2021.

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

4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ARJ REGISTRAR NOTICE - 27.10.2021

DATE : 27.10.2021

M.A. No. 351/2021 in O.A. St. No. 1391/2021

(Dr. Surekha S. Totala Vs. The State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai-**

1. Shri Ajay Deshpande, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 26.11.2021. The case be listed for admission hearing on **26.11.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

DATE : 27.10.2021

ORIGINAL APPLICATION NO. 680 OF 2021

(Anil Y. Rokade Vs. The State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai-**

1. Shri R.A. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 26.11.2021. The case be listed for admission hearing on **26.11.2021**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ORIGINAL APPLICATION NO.628/2021
(Swati Swami Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.390/2021
(Govind Mane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri S.P.Urgunde, learned Advocate for the applicant in O.A.No.628/2021, Shri A.V.Thombre learned Advocate holding for Shri S.S.Thombre learned Advocate for applicant in O.A.No.390/2021 and Shri M.P.Gude, learned Presenting Officer for the respondents in both cases.

2. Present O.A. was to be heard along with O.A.No.390/2021, however, it appears that O.A.No.628/2021 has been placed before the Single Bench and O.A.No.390/2021 is already before the Division Bench though the matters are linked together. Therefore, present O.A.Nos.628/2021 & 390/2021 may be placed before Bench as per delegation of powers issued by the Hon'ble Chairperson, Maharashtra Administrative Tribunal, Mumbai.

3. Registry is directed to take necessary steps in above terms and place the matters before appropriate Bench.

MEMBER (A)

**ORIGINAL APPLICATION NO.665/2021
(Shankar Kale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

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

2. Learned P.O. states that he has not yet received instructions from the respondents in the matter.

3. Parties are directed to **maintain status quo as on today, till next date.**

4. Issue notices to the respondents, returnable on 06.12.2021.

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

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

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O.A. NO. 665/2021

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

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

9. S.O. to 06.12.2021.

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

MEMBER (A)

**O.A.NOS.966, 967, 968, 969, 970, 971, 972, 974, 975, 976, 977, 978, 979 ALL OF 2019 AND O.A.NO.537/2020
(Prakash Deshpande & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri V.G.Pingle, learned Advocate for the Applicants in all cases, Shri M.S.Mahajan, learned Chief Presenting Officer for the Respondent nos.1 to 3 in all the cases, and Shri Shamsundar Patil learned Advocate for respondent nos.4 & 5 in O.A.No.975/2019 & 537/2020.

None is present for respondent nos.4 and 5 in all other cases.

2. Learned CPO seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.

3. S.O. to 07-12-2021.

MEMBER (A)

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

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

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

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

3. S.O. to 30-11-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.316/2021
(Smt. M.N.Rankhamb Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri H.P.Jadhav, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents.

2. Learned P.O. states that affidavit in reply on behalf of respondent nos.2 and 3 has already been filed on 11th August, 2021.

3. Learned Advocate for the applicant has submitted a set of documents obtained under Right to Information Act, 2005, which are marked as document "X" collectively for identification, which includes waiting list of applicant for appointment on compassionate ground for Group C post and the applicant's name appears at Sr.No.74 in the said list.

4. Learned Advocate for the applicant further submits that all other candidates in the waiting list above the applicant and below her in the list have already been appointed, however, applicant has not been given appointment though 6 posts of Group-C and 5 posts of Group-D are vacant.

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O.A.NO.316/2021

5. In the affidavit in reply, respondents have given details about waiting list number of the applicant for the Group-D post. On reference to Annexure R-2, page 104 of the paper book, it is seen that Superintendent of Police, Hingoli had informed the applicant about her waiting list number as 11, and therefore, informed her that she cannot be offered appointment unless 10 persons senior to her are covered.

6. Learned P.O. is advised to get updated position of the Group-C posts also in view of the submissions of the learned Advocate for the applicant for appointment on compassionate ground.

7. Learned Advocate for the applicant has also mentioned that the applicant is physically handicapped person and she has also submitted the certificate to that effect of physically handicapped person.

8. S.O. to 03-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.346/2021
(Dilip Patil Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

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

2. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 06-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.362/2021
(Usha Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

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

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

3. S.O. to 03-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.406/2021
(Sajed Mubasshiruddin Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.

3. S.O. to 24-11-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.590/2021
(Rajendra Dhangare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Shri Vinod P. Patil, learned Advocate for the applicant is **absent**. Shri D.R.Patil, learned Presenting Officer for the respondents is present.

2. It seems that service affidavit is not filed on record. Learned Advocate for the applicant to take steps in the matter on the next date.

3. S.O. to 06-12-2021.

MEMBER (A)

**M.A.NO.66/2021 IN O.A.ST.NO.124/2021
(Mahesh Premalwad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

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

2. Case of the applicant is for appointment on compassionate ground. In the interest of justice, after considering the arguments of both sides, delay of 374 days caused for filing the O.A. is hereby condoned.

3. M.A. is allowed and disposed of accordingly with no order as to costs.

4. O.A. be registered and numbered, after removal of office objection, if any, and on payment of requisite court fees, if not already paid.

MEMBER (A)

**ORIGINAL APPLICATION NO.766/2016
(Rambhau T. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Advocate for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent nos.1, 2 and 4 and Smt. Sunita Shelke learned Advocate for respondent no.3.

2. At the outset, learned Advocate Smt. Shelke stated that some clerical mistakes are there in the orders dated 29-09-2021 and 20-10-2021 that suitable corrections may be allowed, which are as follows:

(1) Name of learned Advocate Smt. Sunita Shelke has been inadvertently mentioned as "Anita Shelke". Therefore, it be corrected as Smt. Sunita Shelke.

(2) Learned Advocate Smt. Sunita Shelke is appearing for respondent no.3 and learned P.O. is appearing for respondent nos.1, 2 and 4.

3. These corrections are allowed.

4. Learned Advocate for the applicant has advanced his arguments in the matter referring to the contents in Annexure A-6 and A-7 of the O.A. and submitted various

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O.A.NO.766/2016

orders and judgments which are marked as document X-1 to X-8 for identification, which are taken on record.

5. Learned Advocate for respondent no.3 argued the matter and also made submissions in respect of Annexure A-4 and A-7 and communications received from Accountant General and service book entries. She does not wish to submit written notes of arguments and states that her reply be treated as written notes.

6. Learned P.O. too argued with special reference to contents in paragraphs 10, 13 and 14 of affidavit in reply on behalf of respondent nos.1, 2 and 4.

7. Parties to submit written notes of arguments on the next date.

8. S.O. to 29-11-2021.

MEMBER (A)

**O.A.NOS.358/2018, 359/2018, 360/2018 & 361/2018
(Haseeb Ur Rehman & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)

DATE : 27.10.2021

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. At the request and consent of both the parties, S.O. to tomorrow i.e. on 28-10-2021.

MEMBER (A)

YUK ORAL ORDERS 27.10.2021

Date : 27.10.2021

ORIGINAL APPLICATION NO.677/2021

(Bharatlal Navgire V/s State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai**

1. Smt. Suchita Dhongde Id. Advocate for the applicant and Shri V.R.Bhumkar Id. PO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 26.11.2021. The case be listed for admission hearing on 26.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

27.10.2021/yuk registrar notice/

Date : 27.10.2021

ORIGINAL APPLICATION NO.676/2021

(Navnath Kachare V/s State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai**

1. Shri Ashish B. Rajkar Id. Advocate for the applicant and Shri N.U.Yadav Id. PO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 25.11.2021. The case be listed for admission hearing on 25.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

27.10.2021/yuk registrar notice/

Date : 27.10.2021

ORIGINAL APPLICATION NO.679/2021

(Mahesh Satkar V/s State of Maharashtra & Ors.)

**Per :- Standing directions of Hon'ble Chairperson,
M.A.T., Mumbai**

1. Shri K.B.Jadhav Id. Advocate for the applicant and Shri M.S.Mahajan Id. CPO for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 26.11.2021. The case be listed for admission hearing on 26.11.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

27.10.2021/yuk registrar notice/