

**SUO MOTO C.P. NO. 01/2024 IN O.A. NO. 217/2024
(Ashok U. Giri Vs. The State of Maharashtra & Ors.)**

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Shri Prashant M. Nagargoje, learned counsel for the applicant (**absent**). Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. At the request of learned Chief Presenting Officer, S.O. to 16.10.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.09.2024-HDD

ORIGINAL APPLICATION NO. 1039 OF 2024
(Sandhya R. Adhane Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned counsel for respondent nos. 06 and 07, are present.

2. Shri S.M. Kamble, learned counsel has filed V.P. on behalf of respondent nos. 04 and 05 and also tendered affidavit in reply on behalf of said respondent. It is taken on record and copy thereof has been supplied to other side.

3. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent nos. 02 and 03. It is taken on record and copy thereof has been supplied to other side.

4. At the request of learned C.P.O. and learned counsel for respondent nos. 06 and 7, S.O. to 16.10.2024 for filing affidavits in reply on behalf of respective respondents.

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

MEMBER (A)

VICE CHAIRMAN

**M.A. NO. 142/2022 IN O.A. ST. NO. 562/2022
(Ratratan S. Ippalwad Vs. The State of Maharashtra & Ors.)**

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

DATE : 27.09.2024

ORAL ORDER :

Smt. M.G. Gaikwad, learned counsel holding for Shri S.K. Mathpati, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant does not wish to file any rejoinder affidavit. In view of the same list the matter for hearing on 12.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.09.2024-HDD

ORIGINAL APPLICATION NO. 182/2024
(Ganesh V. Pohokar Vs. The State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. Learned counsel for the applicant sought leave of this Tribunal to add private person as party respondent in the present application. Leave as prayed for is granted. The necessary amendment be carried out within a week.

3. After making the necessary amendment, issue notice to added respondent, returnable on 28.10.2024.

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

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

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O.A. NO. 182/2024

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

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

8. S.O. to 28.10.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.09.2024-HDD

C.P.NO. 29/2024 IN O.A.NO. 995/2022

(Shaikh Imroj Shaikh Riyaz Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

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

2. The present contempt petition is filed alleging contempt of the order passed by this Court on 06.09.2023 in O.A. No. 995/2022. The record shows that after passing of the order by this Tribunal, the applicant has approached the respondents and has served copy of notice to the respondents also, however, the order was not complied with because of which the applicant is constrained to file the present contempt petition. In the present petition notice was issued against respondent no. 02. Affidavit in reply has already filed on behalf of respondent no. 02.

3. We have perused the reply filed on behalf of respondent no. 2. The order is passed some times in the month of September, 2023. Till today nothing is reported that any W.P. is filed challenging the said order.

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C.P.NO. 29/2024 IN
O.A.NO. 995/2022

4. After having considered the facts as aforesaid, it prima-facie appears that inaction on the part of respondent no. 2 in complying the order passed by this Tribunal may amount to Contempt of Court. In the circumstances, we are inclined to pass the following order:-

ORDER

The present contempt petition be registered and numbered as per Rule 5 of the Maharashtra Administrative Tribunal (Contempt of Courts) Rules, 1996 in the register in Form No. I and the registry shall cause a notice to respondent No. 02 in Form No. III appended to the Contempt of Courts Rules, 1996 to appear before the Tribunal in person or through an Advocate on 12.11.2024 to show cause against the present proceedings.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.09.2024-HDD

ORIGINAL APPLICATION NO. 994/2023
(Trimbak D. Chavan Vs. The State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file rejoinder affidavit. Time granted.
3. S.O.to 14.11.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.09.2024-HDD

ORIGINAL APPLICATION NO. 1126/2024
(Rahul S. Sonawane Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Heard Shri M.B. Kolpe, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 13.11.2024.
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 13.11.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 915/2024
(Venkatrao Dadarao Mundhe Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Shri Madhur B. Pophale, learned counsel for the applicant (**absent**). Shri S.S. Dambe, learned Presenting Officer for the respondent authorities, are present.

2. Since nobody appears for the applicant, S.O. to 11.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.09.2024-HDD

M.A.NO. 453/2024 IN O.A.NO. 1092/2024
(Laxman Shivpam Padgi & Anr. Vs. The State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

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

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

4. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

O.A.NO. 1092/2024

(Laxman Shivpam Padgi & Anr. Vs. The State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants undertakes to remove the office objections.

3. Issue notice to the respondents, returnable on 12.11.2024.

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

5. 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.

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

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

8. S.O. to 12.11.2024.

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

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 28/2024 IN O.A.NO. 01/2015
(Dr. Balaji Gyanoba Phalke Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Shri Jayant S. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.01.2025.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.09.2024-HDD

ORIGINAL APPLICATION NO. 198/2024
(Datta Ashokrao Dhage Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Shri Ashish S. Hazari, learned counsel holding for Shri Amol B. Chalak, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

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

3. List the matter for further consideration on 19.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 170/2024
(Datta Ashokrao Dhage Vs. The State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

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

3. List the matter for further consideration on 19.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 269/2024
(Rahul Sahebrao Fadat Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

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

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

3. List the matter for further consideration on 19.11.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 172/2024
(Akshay Pawar Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 455/2024
(Madhav Kapse Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.09.2024

ORAL ORDER :

Shri P.S. Koshti, learned counsel for the applicant in O.A. No. 172/2024 (**absent**). Shri Z.Z. Zayyed, learned counsel holding for Ms. Priyanka Deshpande, learned counsel for the applicant in O.A.No. 455/2024, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities in both the matters and Shri Z.Z. Zayyed, learned counsel holding for Ms. Priyanka Deshpande, learned counsel for respondent No. 5 in O.A. No. 172/2024, are present.

2. S.O. to 18.10.2024. Interim relief granted earlier in O.A. No. 455/2024 to continue till then.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO. 240 OF 2024 WITH O.A.ST.NO. 862 OF 2024
(Dr. Rajendra N. Valavi & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.09.2024

ORAL ORDER :

Heard Shri S.A. Raut, learned counsel holding for Shri N.L. Chaudhari, learned counsel for the applicants and Shri A.B. Basakar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants on instructions submits that during pendency of present Misc. Application along with accompanying Original Application the respondent authorities have redressed the grievance of the applicants. In view of same, nothing survives for further consideration.

3. In view of above, the Misc. Application as well as Original Application are disposed of as infructuous. No costs.

MEMBER (J)

M.A.NO. 415 OF 2024 IN O.A.NO. 783 OF 2024
(Suman B. Nandre Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 04.10.2024.

MEMBER (J)

SAS ORAL ORDER 27.09.2024

ORIGINAL APPLICATION NO. 1052 OF 2024
(Manohar K. Gokhale Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Ms. Preeti R. Wankhade, learned counsel for respondent No.5, are present.

2. Learned P.O. submits the copy of communication dated 27.09.2024 received from respondent No.4 i.e. the Conservation of Forest (Territorial), Chhatrapati Sambhajinagar. The same is taken on record and marked as document 'X' for the purpose of identification. On perusal of the same it appears that the draft of the affidavit in reply is already forwarded to the Government for approval. Learned P.O. thus seeks short adjournment.

3. Learned counsel appearing for respondent No.5 also seeks time for filing affidavit in reply on behalf of said respondent. Time granted.

4. Learned P.O. is directed to call the original file.

5. S.O. to 07.10.2024 **in urgent admission category.**

MEMBER (J)

SAS ORAL ORDER 27.09.2024

**M.A.NO. 508 / 2022 IN O.A.ST.NO. 1894 / 2022
(Eknath G. Myskar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.09.2024

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant and Smt. V.P. Choudhari, 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)

SAS ORAL ORDER 27.09.2024

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

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

DATE : 27.09.2024

ORAL ORDER :

Heard Smt. Jayshri Dongre, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant, Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities and Shri Mayur Subhedar, learned counsel holding for Shri H.S. Bali, learned counsel for respondent No.4.

2. There is a delay of 3 years, 2 months and 23 days caused in filing the accompanying Original Application.

3. By filing the accompanying O.A. the applicant is seeking quashing and setting aside the order dated 06.11.2018 and 14.11.2018 respectively and further seeking direction to the respondent Nos. 2 & 3 to select and appoint the applicant on the said post.

4. Learned counsel for the applicant submits that the applicant has filed representations dated 06.11.2018 and 13.11.2018 respectively to the respondent Nos. 2 and 3 for cancellation of the selection of the respondent No.4 and for selecting him in his place.

//2// M.A. 85/2023 in
O.A.St. 261/2023

Learned counsel for the applicant submits that though the applicant has submitted the representations as referred above, in spite of waiting period of four years, no effective steps have been taken by the respondent No.4. Learned counsel for the applicant submits that the applicant could not approach this Tribunal due to ill health of his mother. The certificate issued by Dr. Juber Ahamad is annexed to the Misc. Application marked as Annexure 'A-1' collectively and 'B-1' respectively. Learned counsel for the applicant further submits that due to outbreak of pandemic Covid-19 the applicant could not approach this Tribunal during the period of 2020 to 2022. There is no intentional or deliberate delay as such nor there is any inaction on the part of the applicant. The delay may be condoned.

6. Learned P.O. and learned counsel for respondent No.4 have strongly resisted the application on the ground that there is an inordinate delay caused in filing the Original Application for which no satisfactory explanation has been tendered by the applicant. Learned counsel for the

//3// M.A. 85/2023 in
O.A.St. 261/2023

respondent No.4 submits that though the representation was decided in the year 2018 itself, however, the applicant did not approach this Tribunal forthwith. As a result thereof the delay has been caused solely due to inaction on the part of the applicant. There is no substance in Misc. Application and the same is liable to be dismissed.

7. It appears that though by filing the accompanying Original Application the applicant has challenged the select list, however, the representations dated 06.11.2018 and 13.11.2018 submitted by the applicant for cancellation of selection of the respondent No.4 and selecting him in his place have not considered and no decision has been taken on the same. Consequently, the delay seems to have been occurred. Further due to outbreak of Covid-19 pandemic situation and imposition of lockdown and extension thereof from time to time, the applicant could not approach this Tribunal within stipulated time. Further the applicant's mother was suffering from ill health during the year of 2022. Thus there is no inaction on the part of the applicant. Further the Hon'ble Supreme Court in **Suo Motu Writ Petition (C) No. 3**

//4// M.A. 85/2023 in
O.A.St. 261/2023

of 2020 has passed the orders time to time in the backdrop of the outbreak of Covid-19 and the declaration of the lockdown in connection thereto and thus extended the period of limitation applicable to the proceedings before the Courts/ Tribunals. It appears that as per the order passed by the Hon'ble Supreme Court, the period from 15.03.2020 till 28.02.2022 has been excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

8. Thus considering the entire aspect of the case I am of the opinion that the applicant is prevented from sufficient cause to approach this Tribunal within stipulated time. I am thus inclined to condone the delay subject to certain costs. Hence, the following order:-

ORDER

- (i) The Misc. Application No. 85/2023 is hereby allowed.
- (ii) The delay of 3 years, 2 months and 23 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act,

1985 is hereby condoned, subject to payment of

//5// M.A. 85/2023 in
O.A.St. 261/2023

costs of Rs. 1,000/- (One Thousand only) to be paid by the applicant. The amount of costs to be paid to the Bar Association of this Tribunal within one month and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.

- (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)

ORIGINAL APPLICATION ST.NO. 261/2023
(Ganesh M. Ingle Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
DATE : 27.09.2024

ORAL ORDER :

Heard Smt. Jayshri Dongre, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant, Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities and Shri Mayur Subhedar, learned counsel holding for Shri H.S. Bali, learned counsel for respondent No.4.

2. Issue notice to respondents, returnable on 22.11.2024.

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.

//2//

O.A.St. 261/2023

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. Learned P.O. is directed to call the record.
8. S.O. to 22.11.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A.NO. 471 / 2023 IN O.A.ST.NO. 1797/2023
(Dr. Yadav S. Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 15.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 27.09.2024

M.A.NO. 262/2024 IN O.A.NO. 38/2024
(Mahesh C. Dhayal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri V.C. Suradkar, learned counsel for the applicants and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 17.10.2024 for filing affidavit in reply to the O.A.

MEMBER (J)

SAS ORAL ORDER 27.09.2024

ORIGINAL APPLICATION NO. 76 OF 2020
(Shantabai G. Kulkarni died through her L.Rs. Satish G. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

Shri U.B. Bondar, learned counsel for respondent Nos. 2 & 4, is **absent**.

2. S.O. to 10.10.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 638 OF 2021
(Ganesh R. Admankar Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri N.U. Yadav, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent Nos. 2 to 5, are present.

2. By consent of all the parties, S.O. to 11.10.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 27.09.2024

ORIGINAL APPLICATION NO. 984 OF 2023
(Dr. Chandrakant R. Tammewar Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 08.10.2024 for hearing.

MEMBER (J)

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

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

DATE : 27.09.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.10.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 721 OF 2024
(Neeta D. Chavan & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, re-issue notice to respondents, 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. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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O.A. 721/2024

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. to 28.10.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

SAS ORAL ORDER 27.09.2024

ORIGINAL APPLICATION NO. 196 OF 2023
(Ganesh U. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities, are present.

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

3. List the matter for admission hearing on 19.11.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1084 OF 2023
(Nilesh R. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri Gajanan Gabhud, learned counsel holding for Shri P.B. Patil (Borse), learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel Shri Yogesh H. Jadhav submits that he has instructions to appear for respondent No.6 and he submits the affidavit in reply on behalf of said respondent. The same is taken on record and copy thereof is given to other side today itself.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 15.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 94 OF 2024
(Dilip K. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

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

3. Learned counsel for the applicant submits that the respondent No.2 has been duly served and service affidavit will be filed during course of the day in the office.

4. Learned P.O. seeks time to file affidavit in reply on behalf of respondent Nos. 1 & 2. Time granted.

5. S.O. to 29.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 785 OF 2024
(Dnyaneshwar B. Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Smt. V.P. Choudhari, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

3. List the matter for admission hearing on 25.10.2024.

MEMBER (J)

SAS ORAL ORDER 27.09.2024

ORIGINAL APPLICATION NO. 834 OF 2024
(Deepak A. Ruikar Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that all the respondents have been duly served and service affidavit is already filed in the office.
3. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.
4. Learned P.O. is directed to call the record.
5. S.O. to 11.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 988 OF 2024
(Santosh G. Yewale Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. At the request of learned P.O., time granted for filing affidavit in reply.
3. S.O. to 14.10.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1022 OF 2024
(Dnyaneshwar B. Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondents will be filed.
3. S.O. to 07.10.2024 for filing affidavit in rejoinder, if any.
4. Interim relief granted earlier to continue till then.

MEMBER (J)

M.A.NO. 200/2024 IN O.A.ST.NO. 1144/2024
(Ashok P. Khotkar Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

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

2. Learned P.O. submits that during course of the day the affidavit in reply on behalf of respondent No.3 will be filed.

3. S.O. to 20.11.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

**M.A.NO. 201/2024 IN O.A.ST.NO. 1143/2024
(Rekha A. Khotkar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.09.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent No.3. The same is taken on record and copy thereof is given to learned counsel for the applicant today itself.

3. S.O. to 20.11.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

**M.A.NO. 202/2024 IN O.A.ST.NO. 1142/2024
(Kailas G. Ghumre Vs. State of Maharashtra & Ors.)**

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

DATE : 27.09.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent No.3. The same is taken on record and copy thereof is given to learned counsel for the applicant today itself.

3. S.O. to 20.11.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 162 OF 2018
(Baliram B. Patil Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 163 OF 2018
(Prmod R. Kachare Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicants in both the O.As., Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As. and Smt. Sunita D. Shelke, learned counsel for respondent Nos. 3 & 4 in both the O.As., are present.

2. By consent of all the parties, S.O. to 18.10.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 946 OF 2018
(Kailas D. Patil Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 139 OF 2019
(Madhukar R. Dusane Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicants in both the O.As., Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the O.As. and Smt. Sunita D. Shelke, learned counsel for respondent No. 3 in O.A.No. 946/2018 and for respondent Nos. 2 & 3 in O.A.No. 139/2019, are present.

2. By consent of all the parties, S.O. to 18.10.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1016 OF 2024
(Vishwanth Kishanrao Zunjare Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions in writing received from the applicant dated 24.09.2024 seeks leave to withdraw this Original Application. Learned counsel for the applicant submits the copy of said communication dated 24.09.2024. The same is taken on record and marked as document 'X' for identification.

3. Leave as prayed for is granted. The Original Application is disposed of as withdrawn. No costs.

MEMBER (J)

M.A.NO. 326/2023 IN O.A.ST.NO. 1339/2023
(Francis P. Kedare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.09.2024

ORAL ORDER :

Heard Ms. Rutuja N. Pukale, learned counsel holding for Shri G.B. Kadlag, learned counsel for applicant, Shri D.M. Hange, learned counsel for the applicants and Shri S.B. Patil, learned counsel for respondent Nos. 2 & 4.

2. Learned counsel for the applicant on instructions submits that the respondent Nos. 2 to 4 have been wrongly impleaded as a party respondents. Learned counsel for the applicant thus seeks leave to delete them from the array of the respondents and instead of them seeks leave to add Superintending Engineer & Administrator, CADA Office, Dhanora Road, Beed, Tal. & Dist. Beed and Executive Engineer, Jaikwadi Irrigation Division No.3, Beed as a party respondents in M.A. and O.A. The other side has no objection for the same.

3. Leave granted. The applicant to carry out amendment forthwith.

4. Issue fresh notice to respondents in M.A including newly added respondents, returnable on 20.11.2024.

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M.A. 326/2023 in
O.A.St. 1339/2023

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
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 20.11.2024.
10. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

SAS ORAL ORDER 27.09.2024