

ORIGINAL APPLICATION NO. 760 OF 2023
(Dr. Abdul Moiz Siddiqui Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri K.P. Rodg, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The present matter is reserved for order.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**M.A.NO. 71 OF 2020 IN O.A.ST.NO. 2465 OF 2019
(Sujata R. Puri Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

Shri D.R. Jayabhar, 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 today only he has received the copy of reply.

3. Learned counsel for the applicant thus seeks time. Time granted.

4. S.O. to 13.03.2024 for hearing/for filing rejoinder affidavit, if so desires.

MEMBER (J)

sas ORAL ORDER 27.02.2024

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

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

DATE : 27.02.2024

ORAL ORDER :

Shri S.A. Wakle, learned counsel holding for Shri S.M. Kamble, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, S.O. to 26.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

M.A.NO. 569 OF 2022 IN O.A.NO. 583 OF 2021
(Late Jitendra M. Panje Through L.Rs. Manjsha J. Panje & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri S.S. Tandale, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that during pendency of this Original Application, the original applicant died on 14.08.2022. The death certificate issued by the competent authority is annexed to the Misc. Application.

3. Learned counsel for the applicants submits that there is a delay of 75 days caused in filing the application for bringing legal heirs on record. Learned counsel for the applicants submits that in view of the provisions of Rule 72 (2) of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981, the cause of action survives for the legal heirs to claim the retiral benefits.

//2// M.A. 569/2022 in
O.A.583/2021

4. Learned counsel for the applicants submits that in connection with the same, it is necessary to add prayer clause 'D' in terms of Rule 72 (2) of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981.

5. Learned P.O. submits that the appropriate order may be passed.

6. In view of above submissions and for the reasons stated in the application and since the delay is only about 75 days in filing the Original Application seeking substitution, the application is allowed to the extent of substitution by condoning the delay and by setting aside the abatement order.

7. Further by this Misc. Application the applicants are also seeking amendment by way of adding paragraph No. 6-VIII with prayer clause 'D'. The same is also allowed in view of death of original applicant. Hence, the following order:-

ORDER

(A) The Misc. Application No. 569/2022 is allowed in terms of prayer clauses A, B, C, D & F.

//3// M.A. 569/2022 in
O.A.583/2021

- (B) The applicants are permitted to amend the O.A. No. 583/2021 by adding Para.6-VIII with Prayer Clause -D.
- (C) The delay of 75 days caused in filing the application is hereby condoned and the applicants are allowed to be brought on record as heirs and legal representatives of the original applicant. The order of abatement is hereby quashed and set aside and the matter is restored to its original state.
- (D) The amendment be carried out within two weeks and to serve the amended copy on the other side.
- (E) Accordingly, the Misc. Application is disposed of with no order as to costs.

MEMBER (J)

**M.A.NO. 386 OF 2023 IN O.A.ST.NO. 1372 OF 2023
(Rohit D. Ghuge & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri S.G. Jadhavar, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. By this application the applicants are seeking condonation of delay caused in filing the accompanying Original Application.

3. Learned counsel for the applicants submits that there is a delay of 394 days i.e. 1 year and 29 days caused in filing the accompanying Original Application.

4. Learned counsel for the applicants submits that after the death of father, the mother of the applicant (applicant No.2) had filed an application for compassionate appointment and accordingly, her name was taken in the waiting list on 02.01.2009.

5. Learned counsel for the applicants submits that the father of applicant No.1 died on 24.07.2008 and till the year 2021 even though the name of applicant No.2 was taken in the waiting list

//2// M.A.No. 386/2023 in
O.A.St. 1372/2023

maintained for compassionate appointment, she was not given any appointment. Consequently on 17.06.2021 the applicant No.2 submitted an application for substitution of the applicant No.1 in her place for the reason that she has crossed the prescribed age to consider her for compassionate appointment and also on the ground of health issues. However, by order dated 07.07.2021, the respondent authorities have rejected the said prayer.

6. Learned counsel for the applicants submits that after the death of husband, all the responsibilities and liabilities foisted on the shoulder of the applicant No.2. Thus due to lack of legal knowledge so also financial constraints, the applicants could not approach this Tribunal within prescribed period and consequently, the delay has been occurred. Learned counsel for the applicants submits that there is no inaction on the part of the applicants nor there is an intentional and deliberate delay. The application seeking condonation of delay deserves to be allowed.

7. Learned Presenting Officer has strongly resisted the application on the ground that the delay

//3// M.A.No. 386/2023 in
O.A.St. 1372/2023

has not been explained satisfactorily though there is an inordinate delay caused in filing the accompanying Original Application. Learned P.O. submits that the period of delay has also not been rightly calculated and as such, the application is liable to be dismissed.

8. It appears that after the death of husband in the year 2008, the name of applicant No.2 was taken in the waiting list maintained for compassionate appointment in the year 2009. However, she was not considered for compassionate appointment till the year 2021 and only when she has crossed the prescribed age limit for availing the compassionate appointment and when she has submitted an application in the year 2021 for substitution, the respondent authorities have promptly rejected the said application by order dated 07.07.2021 stating therein that the substitution is impermissible.

9. It further appears that after death of husband in the year 2008 for long period the applicant No.2 was looking after the entire family and as such,

//4// M.A.No. 386/2023 in
O.A.St. 1372/2023

she was facing financial constraints. Consequently the applicant No.2 and applicant No.1 who is just 26 years young boy could not approach this Tribunal within time. I do not think that the delay is intentional and there is total inaction on the part of the applicants. In view of same, the application seeking condonation of delay deserves to be allowed. However, the applicants are required to be saddled with costs. I compute the costs of Rs. 500/- (Five Hundred only) on the applicants and proceed to pass the following order: -

ORDER

The Misc. Application No. 386/2023 is allowed in following terms:-

- (A) The delay of 394 days i.e. 1 year and 29 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only). The amount of costs shall be deposited in the Registry of this Tribunal within a

//5// M.A.No. 386/2023 in
O.A.St. 1372/2023

period of one month from the date of
this order.

- (B) Upon satisfaction of the costs as above,
the accompanying O.A. be registered
and numbered by taking in to account
other office objection/s, if any.

MEMBER (J)

**ORIGINAL APPLICATION ST.NO. 1372 OF 2023
(Rohit D. Ghuge & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri S.G. Jadhavar, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 13.03.2024.
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.

//2// O.A.St. 1372/2023

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. Applicants are directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 13.03.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

**M.A.NO. 461 OF 2023 IN O.A.ST.NO. 58 OF 2023
(Iqbal Ahmed Jangi Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 12.03.2024 for hearing along with M.A.No. 460 of 2023 in O.A.St.No. 57 of 2023.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**ORIGINAL APPLICATION NO. 17 OF 2022
(Baburao M. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**ORIGINAL APPLICATION NO. 27 OF 2022
(Shaikh Hamed Shaikh Hyder Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 15.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**ORIGINAL APPLICATION NO. 1010 OF 2022
(Khurshid Begum Mohd. Moosa Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 20.03.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 166 OF 2023
(Sunil R. Kharat Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 11.03.2024 for hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**ORIGINAL APPLICATION NO. 112 OF 2019
(Sheela H. Mohite Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 04.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 362 OF 2019
(Neelabai A. Done & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 04.04.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 584 OF 2019
(Balu S. Jambe Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 04.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**ORIGINAL APPLICATION NO. 898 OF 2019
(Babu K. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 04.04.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 56 OF 2020
(Anil S. Barkul Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

Shri Kishor D. Khade, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 04.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**ORIGINAL APPLICATION NO. 534 OF 2020
(Rajesh N. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 14.03.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

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

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

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 20.03.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

**ORIGINAL APPLICATION NO. 66 OF 2022
(Nathu N. Khartade Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 05.04.2024 for final hearing.

MEMBER (J)

sas ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 356 OF 2023
(Sharad Pandurang Jare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)
AND
Hon'ble Smt. Medha Gadgil, Member (A)

DATE : 27.02.2024

ORAL ORDER :

(Through Video Conference)

Heard Shri V.B. Wagh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri K.G. Salunke, learned counsel for respondent No.3.

2. Learned counsel for the applicant submits short affidavit of the applicant and also annexed the G.R. dated 15.12.2017. The same is taken on record and copy thereof is already given to other sides.

3. Learned counsel for the applicant submits that the applicant is only pressing added prayer clause (B-1) and do not press other prayers since the grievances raised in terms of other prayers have already been redressed. In view of above, except prayer clause (B-1), other prayers stand deleted.

4. The present matter is reserved for order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 309 OF 2021
(Dinesh R. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri P.D. Patil, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri B.V. Thombre, learned counsel for respondent No. 3.

2. Learned counsel for respondent No. 3 submits affidavit in reply on behalf of respondent No. 3 and submits that the Municipal Council has paid salary of Rs. 50,900/- to the applicant by bill of salary dated 06.08.2021 for the month of February, 2021. Learned counsel has made it clear that the said bill is for the period of three months i.e. from December, 2020 to February, 2021 and that has been paid to the applicant. Learned counsel submits that as per the affidavit in reply, the Municipal Council has issued office order dated 10.08.2021 to the applicant thereby charge of Senior Clerk has been given to him. Learned counsel submits that nothing survives for further consideration in the present Original Application. Said affidavit is taken on record and copy thereof is given to other side.

//2//

O.A. No. 309/2021

3. Learned counsel for the applicant on instructions has accepted the same.

4. Learned Presenting Officer submits that the appropriate order may be passed.

5. In view of above, nothing survives for further consideration in the present Original Application. The Original Application has become infructuous and the same is accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 473 OF 2023
(Smt. Pragati R. Chondekar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 475 OF 2023 WITH
CAVEAT NO. 19/2023
(Sharda N. Dalvi Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 476 OF 2023
(Navnath B. Wagwad Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant in O.A. No. 473/2023, Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant in O.A. No. 475/2023, Ms. Preeti Wankhade, learned counsel for the applicant in O.A. No. 476/2023, S/shri A.P. Basarkar, V.G. Pingle & D.M. Hange, learned Presenting Officers for the respondent authorities in respective O.As. and Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned counsel for respondent No. 3 in O.A. No. 473/2023, are present. Shri I.K. Jadhav/P.L. Jadhav, learned counsel for caveator in O.A. No. 475/2023(**Absent**).

2. Learned Presenting Officers seeks time to file affidavit in reply on behalf of respondents in all these O.As. Time granted as a last chance.

3. S.O. to 19.03.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 746 OF 2023
(Popat N. Karhale Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and copy thereof is given to other side.

3. List the matter for admission hearing on 19.03.2024 and filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 708 OF 2022
(Sayyed Abeda Begum Wd/o Sayyed Ajaz Ahmed Quadri Vs.
State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. At the request of learned Presenting, time is granted as a last chance for filing affidavit in reply on behalf of respondent No. 3.

3. S.O. to 12.03.2024.

MEMBER (J)

M.A. No. 28/2023 in O.A. St. No. 3099/2022
(Smt. Jayshree S. Waghmare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel holding for Shri A.V. Patil (Indrale), learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. No affidavit in reply has been filed, even though the present matter is of the year 2023.

3. List the matter for hearing on 08.04.2024 with liberty to the other side to file affidavit in reply in M.A., if any till then.

MEMBER (J)

KPB ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 511 OF 2023
(Shankar W. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Even though the last chance is given, no affidavit in reply has been filed.

3. List the matter for admission hearing on 12.04.2024 with liberty to the other side to file the affidavit in reply, if any till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 102 OF 2024
(Shirish R. Yadav Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri Jivan Patil, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent No. 1 will be filed. However, learned P.O. seeks time to file affidavit in reply on behalf of respondent No. 2 & 3. Time granted.

3. S.O. to 19.03.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 103 OF 2024
(Pratibha P. Gore Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri Dhananjay Chinchole, learned counsel holding for Shri J.J. Patil, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 19.03.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 364 OF 2021
(Vinayak K. Kalambkar Vs. State of Maharashtra & Ors.)**

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri R.S. Aradwad, learned counsel holding for Shri V.S. Kadam, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks time to file rejoinder affidavit. Time granted.

3. It is informed that learned counsel Shri G.N. Patil, representing for respondent No. 3 is no more.

4. In view of above, issue fresh notice to the respondent Nos. 2 & 3, returnable on 26.03.2024.

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 26.03.2024.

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

MEMBER (J)

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

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

DATE : 27.02.2024

ORAL ORDER :

Shri Sanjiv P. Bodkhe, applicant in person, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 and 3, are present.

2. Learned counsel for respondent Nos. 2 and 3 submits that during the course of the day affidavit in reply will be filed.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 1. Time granted.

4. S.O. to 12.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 706 OF 2022
(Suhas T. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri P.G. Rodge, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.A. Wakle, learned counsel holding for Shri S.M. Kamble, learned counsel for respondent No. 4, are present.

2. It is a part heard matter. At the request of learned counsel for respondent No. 4, S.O. to 12.03.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 835 OF 2021
(Vadilal Premlal Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri S.B. Solanke, learned counsel for the applicant, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 3 & 4.

2. Learned counsel for the applicant on instructions in writing dated 26.02.2024 received from the applicant seeks leave to withdraw the present Original Application. Said communication is taken on record and marked as document 'X' for identification.

3. In view of above, leave granted. The Original Application stands disposed of as withdrawn. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1030 OF 2023
(Radhey R. Khetre Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

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

3. S.O. to 19.03.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

M.A. No. 31/2023 in O.A. St. No. 89/2023
(Dr. Bhagwan V. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. At the request of learned Presenting, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 12.03.2024.

MEMBER (J)

KPB ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 626 OF 2021
(Rajendra B. Telap Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant on instructions submits that the applicant is not willing to file rejoinder affidavit.

3. Pleadings completed. List the matter for admission hearing on 26.03.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1050 OF 2023
(Manish M. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Even though the last chance is given, no affidavit in reply has been filed.

3. List the matter for admission hearing on 03.04.2024 with liberty to the other side to file affidavit in reply if any till then.

MEMBER (J)

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

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

DATE : 27.02.2024

ORAL ORDER :

Shri D.B. Thoke, 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 rejoinder affidavit. Same is taken on record and copy thereof is given to other side.

3. S.O. to 26.03.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1107 OF 2023
(Pravin R. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 26.03.2024.
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 26.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 207 OF 2024
(Sow. Tejaswini D. Kanwale Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri S.K. Dhabekar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 26.03.2024.
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 26.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 548 OF 2022
(Dilip R. Bari Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that the original record has been received and some time is required.

3. Learned counsel for the applicant has no objection for the same.

4. It is a part heard matter. S.O. to 13.03.2024 for further hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 1087 OF 2023
(Prmod M. Kathane Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant has vehemently submitted that it is a mid-tenure transfer of the applicant. However, on perusal of the minutes of the Establishment Board meeting dated 11.12.2023 placed before the Tribunal by learned Presenting Officer, it appears that since the applicant is very matured, well-mannered and skilled person to handle the security problems, he has been transferred to High Court Security, on account of ensuing elections. Hence, the prayer for grant of interim relief is rejected.

3. In view of above, issue notices to the respondents, returnable on 12.03.2024.

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

//2//

O.A. No. 1087/2023

authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 12.03.2024.

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

MEMBER (J)

KPB ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 217 OF 2024
(Ashok U. Giri Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri P.M. Nagargoje, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Leave to amend and add prayer clause in view of the transfer order dated 26.02.2024.

3. Learned counsel for the applicant submits that the applicant is working as Police Inspector. On 10.01.2024 the applicant has submitted application for his request transfer on the non-executive post because of some health issues. Learned counsel submits that by order dated 14.01.2024; the applicant came to be transferred from Satara Police Station to High Court Security. Learned counsel on instructions submits that the Aurangabad district is not home district of the applicant and since he was holding the post of High Court Security, he was holding the non-executive post.

4. Learned counsel for the applicant submits that the applicant has completed four years and three

//2//

O.A. No. 217/2024

months of his service in Aurangabad district and accordingly the proposal was forwarded for transfer of such employees in view of the directives issued by the Election Commission of India. Learned counsel submits that under the garb of the directives issued by the Election Commission of India, the applicant has been transferred from Aurangabad City to Nashik City by order dated 26.02.2024 in compliance with the directives issued by the Election Commission of India. Learned counsel submits that however, the said directives are not applicable to the case of the applicant except he has completed three years in the Aurangabad district during last four years. However, the applicant is holding non-executive post and as such the mid-tenure transfer under the garb of the directives issued by the Election Commission of India is unwarranted and uncalled for. Learned counsel submits that in fact the applicant himself has opted for non-executive post i.e. High Court Security on account of some health issues and in view of the same, it would be inconvenient in every angle for him to join the place of transfer. Learned counsel submits that the applicant is yet not relieved and is holding non-executive post of High Court Security.

//3//

O.A. No. 217/2024

5. In view of above and since the Aurangabad district is not home district of the applicant and even though the directives issued by the Election Commission of India are not applicable fully to the case of the applicant he has been transferred to Nashik city, issue notices to the respondents, returnable on 05.03.2024. **Till then interim relief in terms of prayer clause VI (A) is hereby granted, which is as under :-**

“A. Pending hearing and final disposal of the original application, the applicant may kindly be allow to continue to work as Police Inspector High Court Security, Hon’ble Bombay High Court Bench at Aurangabad.”

6. Learned C.P.O. submits that the status-quo order would suffice the purpose of the applicant.

7. Learned C.P.O. waives notice for respondent Nos. 1 & 2.

8. Issue notices to respondent Nos. 3 & 4, returnable on 05.03.2024.

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

//4//

O.A. No. 217/2024

10. 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.

11. 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.

12. 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.

13. S.O. to 05.03.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 218 OF 2024
(Dilip V. Gangurde Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri P.M. Nagargoje, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Leave to amend and add prayer clause in view of the transfer order dated 26.02.2024.

3. Learned counsel for the applicant submits that the Aurangabad district is not home district of the applicant and in terms of the proposal submitted by the department in light of the directives issued by the Election Commission of India, the applicant's name was mentioned in the said list, since he has completed four years and three months in Aurangabad district. Learned counsel submits that the applicant is at present holding executive post of in-charge Police Inspector Waluj. By order dated 26.01.2024, the applicant came to be transferred from Waluj Police Station to Traffic Branch Aurangabad. Learned counsel on instructions submits that in terms of the said order, the applicant will join the said Traffic Branch Aurangabad immediately.

//2//

O.A. No. 218/2024

4. Learned counsel for the applicant submits that in terms of order of transfer dated 26.02.2024 on account of directives issued by the Election Commission of India, the applicant has been transferred to Pune city.

5. In view of the above submissions and since the Aurangabad is not home district of the applicant and as per the transfer order dated 26.01.2024, the applicant has already been transferred to non-executive post of Traffic Branch, Aurangabad, the purpose would be served by issuing notices to the respondents.

6. Learned P.O. waives notice for respondent Nos. 1 and 2 and seeks time to place on record some relevant documents. Time granted.

7. Issue notices to the respondent Nos. 3 & 4, returnable on 05.03.2024.

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

//3//

O.A. No. 218/2024

9. 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.

10. 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.

11. 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.

12. S.O. to 05.03.2024 **in urgent admission category.**

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

MEMBER (J)

ORIGINAL APPLICATION NO. 219 OF 2024
(Avinash L. Aghav Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri S.S. Thombre, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Leave to amend and add prayer clause in view of the transfer order dated 26.02.2024.

3. It appears that the transfer of the applicant is mid-tenure and further the Aurangabad district is not the home district of the applicant. It further appears that the applicant is holding non-executive post. Learned counsel for the applicant on instructions submits that the applicant has not joined the place of transfer.

4. Learned Presenting Officer submits that list of the eligible employees is called for transfer in terms of the directions given by the Election Commission of India and since the applicant has completed four years and three months in Aurangabad District; his name is shown in the said proposal along with others.

//2//

O.A. No. 219/2024

5. Learned counsel for the applicant on instructions submits that the applicant has been transferred to another district i.e. Jalna.

6. Learned Presenting Officer submits that there are minutes of the meeting for the transfer order in terms of the proposal dated 23.02.2024 (Exhibit-H) and those minutes are required to be placed on record.

7. Learned counsel for the applicant submits that the applicant is ready to work on non-executive post of Divisional Enquiry Branch.

8. Learned Presenting Officer seeks time to place on record all the relevant documents. Time granted.

9. In view of above, S.O. to 05.03.2024. **Till then the respondents shall maintain the status-quo as on today.**

10. Learned P.O. waives notice for respondent Nos. 1 to 3.

11. Issue notice to the respondent No. 4, returnable on 05.03.2024.

//3//

O.A. No. 219/2024

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

13. 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.

14. 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.

15. 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.

16. S.O. to 05.03.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 446 OF 2023
(Virbahadur K. Gurung Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. The present matter is reserved for orders.

MEMBER (J)

KPB ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO.694/2021
(Avinash Govindrao Chonde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-03-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 27.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.339/2021
(Arun Shrichand Jadhav Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-03-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 27.02.2024

VICE CHAIRMAN

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

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 21-03-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 27.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.932/2023

(Ku. Saraswati K. Makne & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

Dr. Sahebrao Nandedkar, learned counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-03-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 27.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.641/2023
(Ranjeet N. Andhale Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

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

2. S.O. to 21-03-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 27.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1129/2022
(Madhukar L. Rathod Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

Heard Shri Y.R.Barhate, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned Counsel for the applicant has filed written notes of arguments. It is taken on record.
3. S.O. to 07-03-2024 for further consideration and passing appropriate order.

MEMBER (A)

YUK ORAL ORDER 27.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.859/2023
(Aruna B. Kharat & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

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

2. Not on board. Taken on board. Learned Counsel for the applicants has sought leave to place on record certain documents which according to the applicants are relevant for effective adjudication of the present matter. Leave as prayed for is granted. Copies of the documents filed be provided to the learned P.O.

3. Learned P.O. prays for time to go through the documents so filed on record. In the circumstances, matter be kept on 05-03-2024 for hearing the submissions of the learned P.O. on the documents filed on record by the applicant.

4. S.O. to 05-03-2024.

MEMBER (A)
YUK ORAL ORDER 27.02.2024

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 369 OF 2024
(Shweta Sundar Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri M.S. Bhosale, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that he will add the selected candidates as party respondents in the present matter. Leave granted. The necessary amendment be carried out on or before the next date.

3. S.O. to 07.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

ORIGINAL APPLICATION NO. 210 OF 2024
(Prem S/o. Bhojraj Totre Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicant had applied for the post of Senior Clerk. The applicant claims to be belonging to OBC, as well as, Divyang category. Total 11 posts were advertised. One out of which was reserved for Divyang candidates. It is the case of the applicant that in the select list the candidate, who is shown as selected from Divyang category i.e. respondent No. 4 (Shri Kamaldip Dilip Hunchikatti) has in fact secured 170 marks and no other candidate has secured more marks than him. In the circumstances, according to the applicant, selection of respondent No. 4 must have been against the Open General Candidate.

3. Learned counsel invited our attention to the office memorandum dated 15.01.2018 issued by Ministry of Personnel, Public Grievances & Pensions Department of Personnel and Training. He also invited our attention to

the Resolution dated 19.05.2019 of the Government of Maharashtra. Learned counsel referring to those provisions submitted that in view of the clear guidelines laid down in the aforesaid two documents the respondents must have shown the selection of respondent No. 4 against the Open General seat which could have paved the way for the selection of present applicant, who is second highest candidate in Divyang Category. Learned counsel in the circumstances while issuing notice to the respondents has also prayed for interim relief, thereby restraining the respondents from making appointment on the post reserved for Divyang Category, as well as, Open Category.

4. Shri V.R. Bhumkar, learned Presenting Officer submitted that for want of instructions from the respondents he is unable to make any comment on the subject matter and he sought time to file affidavit in reply.

5. After having considered the submissions made by learned counsel appearing for the applicant and after having gone through the documents filed on record, it appears to us that the applicant has certainly made out a *prima facie* case. As such, we deem it appropriate to pass the following order: -

ORDER

- (i) Issue notice to the respondents, returnable on 21.03.2024. **Till then the respondents shall not issue order of appointment against the seat reserved for Divyang Category, as well as, against Open Category.**
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) 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.
- (iv) This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- (v) 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.
- (vi) S.O. to 21.03.2024.
- (vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 30/2019 IN O.A.NO. 526/2011

(Mohd. Azizullah Khan since dead through his widow- Smt. Qusiya Shameem M.A. Khan Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

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

2. During pendency of the O.A. the Government servant died and his widow has prosecuted the matter further. The present application is filed alleging contempt of the order passed by this Tribunal in O.A. No. 526/2011 on 20.08.2015. The Tribunal had passed the following order: -

“O R D E R

(i) O.A. No. 526/2011 is partly allowed.

(ii) Impugned order/letter issued by the respondent no. 3 Director of Education, Aurangabad Division, Aurangabad dated 11.05.2009 referring the letter of respondent no. 2 dated 28.04.2008 obtained by the applicant under Right to Information Act on 29.10.2010 is quashed and set aside.

(iii) Respondents are directed to reconsider the decision given vide letter dated 11.05.2009 and shall consider the aspect as to whether the absence period of the applicant from 01.07.1980 to 30.06.1989 can be adjusted towards any kind of leave as may be admissible to the applicant, such

as earned leave, half pay leave or extraordinary leave or leave without pay etc.

(iv) Respondents are directed to consider absence period of the applicant from 01.07.1989 to 31.10.2001 as compulsory waiting period/extraordinary leave, as admissible, as per the provisions of M.C.S. (General Conditions of Service) Rules, 1981.

(v) After taking decision as aforesaid, the respondent no. 1 to 3 shall take decision as regards pension and pensionary benefits that can be granted to the applicant.

(vi) Considering the fact that period of absence is more than 9 years, and the respondents may have to go through the vast record, all the exercise as above shall be completed as early as possible and in any case within 6 months from the date of this order.

(vii) There shall be no order as to costs.”

3. The respondents have caused appearance in the matter. Respondent Nos. 1 to 3 have earlier filed affidavit in reply i.e. on 12.2.2020. Then Additional Chief Secretary, School Education Department namely Smt. Vandana Krishna filed another affidavit in reply on 24.6.2021. Affidavit in reply has also been filed thereafter by Shri Ranjit Singh Deol, who was substituted in place of Smt. Vandana Krishna.

4. We have gone through the contents of affidavits in reply. After having perused the judgment and order passed by this Tribunal in the aforesaid O.A. and in that

background read the affidavit in reply submitted on behalf of the respondents, apparently it appears that the respondents have disobeyed the order passed by this Tribunal. The contentions which are raised and reference given of the Finance Department and the opinion given by the said Department may not be of any help to the respondents to avoid the action for not complying with the order passed by this Tribunal. Moreover, it appears that the grounds which are raised some of them were raised in the O.A. and have been considered by this Tribunal.

5. Admittedly, the respondents did not seek any review of the order passed by this Tribunal nor any W.P. has been filed challenging the said order. In the circumstances, only course open for the respondents was to comply with the order passed by this Tribunal. Since the same has not been complied with, according to us, the case is made out for issuance of the notice of contempt in accordance with the provisions under the Contempt of Courts Act in the prescribed format. We, therefore, direct the registry to issue contempt notice to respondent No. 1 namely Ranjit Singh Deol in the prescribed format, returnable on 26.03.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 23/2024 IN O.A.NO. 759/2021
(Anand Vishwanath Bade Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue simple notice to respondent No. 3, returnable on 18.03.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18.03.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

O. A. NO. 385/2019 WITH M.A.NO. 537/2023
(Suresh Udaram Nande Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri P.B. Rakhunde, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Presenting Officer for the respondent authorities.

2. The present case is not on board. It is taken on board at the request of learned counsel for the applicant.

3. Learned counsel appearing for the applicant submits that the applicant has been reinstated in service. It is further contended that the application was filed seeking setting aside of the said termination order. However, now the applicant has been reinstated. The order is also kept on record. Learned counsel in the circumstances seeks leave of this Tribunal to withdraw the present O.A.

4. Learned Presenting Officer has submitted for passing appropriate order.

5. In view of the submission made on behalf of both the parties, the following order is passed: -

:: - 2 - ::

**O.A. NO. 385/2019
WITH
M.A. NO. 537/2023**

ORDER

- (i) The Original Application stands disposed of since withdrawn.
- (ii) In view of disposal of O.A. nothing survives in the M.A. and the same also stands disposed of.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

M.A.NO. 205/2021 IN O.A.ST.NO. 2467/2019
(Vijaykumar Bansilal Rathi Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri M.M. Bhokariker, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, in the interest of justice, two weeks' time is granted to file affidavit in reply.

3. S.O. to 12.03.2024.

4. It is made clear that if the affidavit in reply is not filed on the given date, the delay condonation application will be heard without reply of the respondents.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

ORIGINAL APPLICATION NO. 208 OF 2024
(Sangita Ashruba Chitale Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 03.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 03.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 202 OF 2024
(Ashok Sambhaji Rode Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri P.V. Balkhande, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 27.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

C.P.NO. 16/2024 IN O.A.NO. 787/2018
(Shahdeo Sahebrao Bangar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 27.02.2024

ORAL ORDER :

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

2. Issue simple notice to respondent Nos. 2 & 3 returnable on 04.04.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 04.04.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 685 OF 2023
(Bhagatsing Uttam Singal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for respondent Nos. 5 & 17, are present.

2. S.O. to 18.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

ORIGINAL APPLICATION NO. 759 OF 2023
(Nilesh M. Aradle & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri Amol B. Chalak, learned counsel for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Time granted till 18.03.2024.
3. The present case be kept along with O.A. No. 685/2023.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

ORIGINAL APPLICATION NO. 203 OF 2024
(Prakash Saundaji Patil Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri S.R. Kedar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. On instructions, learned counsel appearing for the applicant seeks leave of this Tribunal to withdraw the present Original Application. Hence, the following order:-

ORDER

The Original Application stands disposed of since withdrawn. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 458 OF 2023
(Chandrakant Dayaram Patil Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that rejoinder affidavit is not to be filed. List the matter for hearing on 28.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

ORIGINAL APPLICATION NO. 397 OF 2023
(Shobha Ashok Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

Shri R.V. Gore, learned counsel for respondent No. 3 (**absent**).

2. In the present matter despite availing due opportunities respondent No. 3 has not filed affidavit in reply. Today, when the matter is called out no one has caused appearance for the said respondent. Respondent Nos. 1 & 2 have already filed affidavit in reply. List the matter for hearing on 01.04.2024 without affidavit in reply of respondent No. 3.

3. Learned counsel shall file service affidavit in the office of this Tribunal.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 77 OF 2021
(Vishvanath H. Mahindrakar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.03.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

M.A.NO. 275/2022 IN O.A.NO. 432/2020
(Sanjay R. Rajput & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri Suhas R. Shirsat, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. It is reported that the present M.A. has already been allowed and disposed of by this Tribunal by order dated 30.6.2022. The registry is directed not to show M.A. on board henceforth.

3. Learned Presenting Officer seeks time to file affidavit in reply in O.A. Time granted.

4. S.O. to 28.03.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 27.02.2024-HDD

ORIGINAL APPLICATION NO. 93/2019
(Priyanka J. Janephalkar Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri J.M. Murkute, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 01.03.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 28/2020
(Anil P. Salve Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 07.03.2024 for hearing. **Part heard.**

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 366/2021
(Narayansingh B. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Arguments of learned counsel for the applicant are partly heard. On request of learned Chief Presenting Officer, S.O. to 1.3.2024. **Part heard.**

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 27.02.2024

ORIGINAL APPLICATION NO. 773/2022
(Mangala V. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 27.02.2024

ORAL ORDER :

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

2. The applicant has filed the present Original Application seeking declaration that she be held entitled for promotion to the post of Maharashtra Education Services, Group-A, Class-I considering her service record and also to direct the respondent no. 1 to hold the D.P.C. meeting and by following the sealed cover procedure consider the name of applicant for promotion as per the provision of G.R. dated 01.08.2019.

3. When the present matter is taken up for consideration, the learned counsel for the applicant, on instructions, submitted that the enquiry was initiated against the applicant on 7.9.2021 i.e. memorandum of charge was served on the applicant

on that day. Thereafter enquiry proceedings commenced and the Enquiry Officer submitted his report on 27.7.2023 to the disciplinary authority. Learned counsel for the applicant submitted that on 15.12.2023 the applicant was called upon to submit her say as about the report of the enquiry. Applicant has submitted the reply to that on 30.12.2023. Thereafter, however, no decision has yet been taken by the disciplinary authority on the said report of the enquiry. Learned counsel submitted that the applicant has become entitled for promotion in the year 2022 and in the Departmental Promotion Committee (for short D.P.C.) meeting held on 26.05.2022 case of the applicant was considered by the Committee and the report in that regard is kept in sealed cover as the disciplinary proceeding is pending against her.

3. Learned counsel referring to Government Resolution dated 15.12.2017 submitted that the period of 02 years, after report of the applicant has been kept in sealed cover, is almost expired and the respondents have not yet taken any decision. Learned counsel submitted that the process for

promotion has already commenced and the information has also been called from the eligible officers. If the enquiry proceedings are kept pending, even in the ensuing D.P.C. meeting the name of the applicant may not be considered for her promotion. Learned counsel, therefore, sought directions against the respondents to open the sealed cover and accordingly considered the name of the applicant for promotion.

4. Learned Presenting Officer submitted that period of 02 years has not yet completed. Learned P.O. further submitted that the Enquiry Report has been submitted before few days and the disciplinary authority is likely to take a decision in this regard. Learned P.O. further submitted that in the circumstances applicant has to wait till 02 years are completed, if any relief is to be granted in her favour.

5. After having considered the submissions made on behalf of the applicant, as well as, the respondent authorities, it appears to us that the present Original Application can be disposed of by giving directions to the respondent authorities to

::-4-::

O.A. NO. 773/2022

take a decision on the report of the enquiry and the enquiry may be concluded in all respect by the end of March, 2024 and if in the event the disciplinary authority fails in taking such decision then the applicant will be certainly having case for considering her matter in the D.P.C. meeting, which may be held in the current year, subject to result of the enquiry proceedings pending against her since report has been kept in sealed cover in the D.P.C. meeting held before 02 years i.e. year 2022. Hence, we pass the following order:-

ORDER

(i) The disciplinary authority shall take a decision on the report submitted by the Enquiry Officer and ensure that the enquiry is completed in all respect by the end of March, 2024.

(ii) In the event enquiry is not completed as directed in clause 01, the appointing authority shall take an appropriate decision in regard to promotion of the applicant as provided in clause 09 of the G.R. dated 15.12.2017.

::-5-::

O.A. NO. 773/2022

(iii) The Original Application stands disposed of in the aforesaid terms. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 27.02.2024