

T.A. No. 07/2016 (W.P. No. 1533/2015)
(Chandrakala K. Navghire Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Naseem R. Shaikh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O to 12.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 833 OF 2018
(Prashant A. Falke Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Naseem R. Shaikh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 12.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 108 OF 2019
(Krushna R. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Vinod N. Rathod, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 21.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1102 OF 2019
(Rajendra L. Patil and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri V.V. Deshmukh, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicants, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3, Shri V.G. Pingle, learned Advocate for respondent Nos. 4 to 6 and Shri S.D. Joshi, learned Advocate for respondent Nos. 8 & 9. None present on behalf of respondent No. 7, though duly served.

2. Due to paucity of time, S.O. to 21.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 297 OF 2018
(Ajay R. Umale Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri V.V. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request and by consent of both the sides, S.O. to 01.09.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 210/2020 with O.A. No. 57/2020
(Vrushali B. Tambe Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri M.B. Bharaswadkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. By order dated 03.08.2021, we have already decided to hear the O.A. No. 57/2020 finally along with M.A. No. 210/2020, which is specifically made for interim relief.

3. Record shows that affidavit in reply on behalf of respondent Nos. 1 to 3 is filed in the present M.A. No. 210/2020 and no affidavit in reply was filed in O.A. No. 57/2020. Learned Presenting Officer submits that affidavit in reply filed in M.A. No. 210/2020 be treated as affidavit in reply in O.A. No. 57/2020 also.

4. We have heard arguments advanced by learned Advocate for the applicant, as well as, learned

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M.A. 210/2020 with
O.A. 57/2020

Presenting Officer for the respondents, substantially. During course of arguments, it transpires that the minutes of the Competent Authority, who prepared the seniority list in question would be necessary in order to find out criteria applied for preparation of seniority list.

5. In view of above, learned Presenting Officer for the respondents is directed to produce on record the minutes of the Competent Authority, who prepared the seniority list in question on or before the next date of hearing.

6. S.O. to 14.09.2021.

MEMBER (A)

MEMBER (J)

O.A. No. 722/2019 with M.A. No. 233/2021
(Gajanan B. Bansode & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the respondent Nos. 5 to 9 in the present M.A. (applicants in O.A.), Shri V.B. Wagh, learned Advocate for the applicants in the M.A. No. 233/2021, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondent Nos. 1 to 3, Shri M.B. Kolpe, learned Advocate for the Respondent No. 4, Shri V.V. Deshmukh, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Respondent Nos. 5, 6, 71, 87, 150, 198, 211, 229, 369, 489, 511, 528, 625, 628 & 629 in O.A., Shri G.J. Pahilwan, learned Advocate holding for G.K. Kshirsagar, learned Advocate for the Respondent Nos. 221, 222, 249, 252, 296, 327, 353, 573, 581, 593, 606 & 627 in O.A., Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Respondent Nos.15, 193, 194, 278, 288, 291, 331, 344, 510, 515 & 554 in O.A. and Shri Ajay U. Chandel, learned Advocate holding for Shri Sandeep Dere, learned Advocate for Respondent Nos. 142, 248, 412, 20, 22, 23, 30, 33, 36, 58, 60, 75, 78, 79, 84, 90, 92, 94, 109, 111, 115, 117, 121, 123, 126, 130, 132, 133, 158, 162,

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O.A. 722/2019 with
M.A. 233/2021

171, 173, 177, 178, 180, 189, 196, 200, 205, 209, 210, 213, 216, 218, 226, 240, 255, 258, 260, 267, 271, 272, 594, 277, 279, 298, 303, 309, 315, 320, 326, 339, 343, 349, 351, 359, 372, 377, 382, 390, 391, 400, 402, 407, 411, 415, 417, 422, 426, 428, 436, 442, 450, 451, 453, 325, 456, 458, 467, 475, 477, 478, 479, 488, 491, 500, 502, 512, 514, 517, 533, 535, 536, 541, 545, 550, 367, 560, 563, 565, 568, 569, 596, 603, 618, 619, 624, 626, 630, 634, 636 & 638 in O.A.

2. Learned C.P.O. submits that the remaining respondent Nos. 105, 317, 443 & 458 have been duly served.

3. Learned Advocate Shri A.B. Rajkar, filed separate Vakilpartra for the respondent Nos. 105, 317, 443 & 458 respectively. Same are taken on record.

4. Learned Advocate Shri Ajay U. Chandel, holding for Shri S.S. Dere, for the private respondent Nos. 142 & 248 filed separate affidavit in replies on behalf of respective respondents in O.A. Same are taken on record and copies thereof have been served on the other sides.

5. Record shows that affidavit in reply on behalf of respondent No. 4 i.e. M.P.S.C. is already filed on record.

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O.A. 722/2019 with
M.A. 233/2021

6. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondent Nos. 1 to 3. Time granted.

7. Learned Advocates for the private respondents seek time for filing affidavit in replies on behalf of respective respondents.

8. All the parties to these proceedings are aware that the present matter is made time-bound by the Hon'ble Supreme Court. In view of same, they are expected to cooperate the Tribunal to dispose of the present Original Application. As the last indulgence, time is granted till 08.09.2021 for filing affidavits in reply. It is made clear that if the respondents failed to file affidavits in reply, the matter will proceed further without having affidavits in reply of respective respondents, on record.

9. Record shows that as per order of the Hon'ble Supreme Court of India dated 05.02.2021 passed in Civil Appeal No.104/2021, this Bench has been directed to decide this O.A. No. 722/2019 within a period of six months from the date of receipt of copy of the said order. The said order was received on 23.02.2021. At that time, the Division Bench was not available at Aurangabad.

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O.A. 722/2019 with
M.A. 233/2021

Hence, this case was called before the Hon'ble Principal Seat of this Tribunal at Mumbai. The Division Bench at Aurangabad started functioning from 05.05.2021.

10. After receipt of the record and proceedings of this case, it was placed before this Division Bench on 28.06.2021. At that point of time, 100 respondents were still un-served. Thereafter, short dates were given on 01.07.2021, 09.07.2021, 16.07.2021, 18.08.2021 & 27.08.2021 from time to time. By now all the respondents are served and hence, next date of 08.09.2021 is fixed for filing affidavits in reply by remaining respondents.

11. However, the time limit of 6 months has come to an end on 22.08.2021. Hence, the Registrar of this Tribunal to send a letter to be addressed to the Hon'ble Apex Court seeking extension of time of six months in the facts and circumstances. Meanwhile, M.A. No. 233/2021 is filed by the interveners for joining as party respondents. The same is also pending.

12. In view of above, S.O. to 08.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.484/2021
(Shrimant Ubale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 27.08.2021
ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has stated that the applicant's services have been frequently requisitioned and deputed on various places. She has submitted details of places/posts for which his services have been requisitioned from time to time. It is taken on record and marked as document "X" for identification.

3. Learned P.O. has also submitted photocopy of communication made by Police Inspector, Local Crime Branch, Beed with Police Inspector, Police Station, Georai informing him that the applicant has been relieved from Local Crime Branch, Beed. It is taken on record and marked as document "X-1" for identification.

4. As per information sheet submitted by the applicant, the applicant was transferred to Georai from Local Crime Branch on 11-09-2020. But his services were retained at Local Crime Branch, Beed. He continued to work at Local Crime Branch, Beed even after promotion to rank of API on 05-08-2021. It is on 23-08-2021 he has been asked to report to his original place of posting at Georai where he

has not worked even after transfer to Georai from Local Crime Branch, Beed.

5. The Applicant has been working at Beed since 05-12-2018 and shuttling between Local Crime Branch, Beed, Police Head Quarter, Beed and Dacoity Prohibition Squad and Police Control Room, Beed. Out of 21 months of his tenure at Beed he has spent 5 months at Police Head Quarter, Beed, 13 months at Police Control Room, Beed and 3 months at Local Crime Branch, Beed.

6. Requisition of services of policemen, keeping his Headquarter same is unavoidable depending on requirement of Bandobast, Dacoity Prohibition etc. However, retaining applicant to Local Crime Branch, Beed even after general transfer to Georai is something which remains unexplained that can be examined in due course.

7. After considering all the facts put forth by the learned Advocate for the applicant, no justification for prayer to allow the applicant to continue at Beed instead of reporting to his place of posting, is seen. Hence, prayer of interim relief in terms of prayer clauses 12(E) and 12(F) is rejected.

8. Issue notices to the respondents, returnable on 30.09.2021.

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

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

13. S.O. to 30.09.2021.

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

MEMBER (A)

ORIGINAL APPLICATION ST. NO.108/2021
(Ashok Jujgar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri Mujahed Hussain, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant states that he will file M.A. for condonation of delay in the Registry during the course of the day.
3. Learned Advocate to remove other office objection/s before due date.
4. S.O. 21-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.23/2020
(Arvind Awad & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 27.08.2021
ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. 24-09-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.428/2021
(Pravin Gawande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri Indraneel S. Godsay learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply as well as minutes of the meeting regarding transfer of the applicant.

3. S.O. 06-09-2021.

MEMBER (A)

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

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Vishal Bakal learned Advocate holding for Shri V.S.Kadam, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents.

2. Arguments of learned Advocate for the applicant as well as the learned P.O. are heard on the point of interim relief.

3. S.O. 30-08-2021 for passing order on the point of interim relief.

MEMBER (A)

M.A.NO.130/2020 IN O.A.NO.114/2020
(Dagdu Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 27.08.2021
ORAL ORDER :

Heard Ku. Preeti Wankhade, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted.
3. S.O. 16-09-2021.

MEMBER (A)

**R.A.NO.7 OF 2019 IN M.A.NO.530 OF 2019 IN
O.A.ST.NO.2098 OF 2019
(Bharat G. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 27.08.2021

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the Applicant is **absent**. Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply by the Respondents.

3. S.O. to 30.09.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.36 OF 2019 IN O.A.NO.229 OF 2015
(Dr. Bhaskar S. Borgaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Shri P.R. Tandale, learned Advocate for the Applicant has filed **leave note**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Affidavit-in-reply filed on behalf of the Respondent No.3 is taken on record.

3. S.O. to 01.10.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.37 OF 2019 IN O.A.NO.230 OF 2015
(Dr. Dilip R. Tandale Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Shri P.R. Tandale, learned Advocate for the Applicant has filed **leave note**. Heard Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply by the Respondent Nos.2 & 3.

3. S.O. to 01.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.223 OF 2020
(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the Applicants and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., short time is granted for filing affidavit-in-reply by the Respondents.
3. S.O. to 30.08.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.501 OF 2020
(Dr. Prashant B. Shamkumar Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Affidavit-in-rejoinder filed on behalf of the Applicant is taken on record and copy thereof has been served on the other side.

3. At the request of learned P.O., time is granted for filing affidavit-in-sur-rejoinder, if necessary.

4. S.O. to 04.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.219 OF 2021
(Manoj S. Belkhede Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondent Nos.1 to 4.

2. Shri B.T. Bodhle, learned Advocate today appeared on behalf of the Respondent No.5 and filed affidavit-in-reply on his behalf. The same is taken on record and copy thereof has been served on the other sides.

3. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of Respondent Nos.1 to 4.

4. S.O. to 04.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.334 OF 2021
(Madhuri B. Panzade Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the Applicant, S.O. to 05.10.2021 for filing service affidavit.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.339 OF 2021
(Arun S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Amol B. Chalak, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply by the Respondents.

3. S.O. to 5.10.2021. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.250 OF 2021
(Riyajkhan A. Faruki Vs. State of Maharashtra & Ors.)**

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Taher Ali Quadri, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply by the Respondents.

3. S.O. to 05.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.453 OF 2019 IN O.A.ST.NO.1700 OF 2019
(Tambe S. Govind Vs. State of Maharashtra & Ors.)**

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Taher Ali Quadri, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, S.O. to 21.09.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.511 OF 2020
(Ambadas E. Kolekar Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri G.M. Ghongade, learned Advocate holding for Shri S.G. Chapalgaonkar, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. The Original Application is filed challenging the impugned communication dated 09.10.2020 issued by the Respondent No.2 (Annex. 'A-2'), whereby the Applicant's notice dated 01.08.2019 seeking voluntary retirement from the services w.e.f. 01.11.2020 was rejected.

3. Learned Advocate for the Applicant today produced on record the copy of communication dated 01.03.2021 issued by Respondent No.2, whereby the Applicant has been allowed to take voluntary retirement pursuant to his notice dated 1.12.2020. The same is taken on record and marked as document 'X' collectively for the purpose of identification.

4. In view of same, learned Advocate for the Applicant seeks permission to withdraw the Original Application as the grievance of the Applicant has been redressed.

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O.A.511/2020

5. We have no reason to refuse the permission to withdraw the Original Application.

6. Hence, permission to withdraw the Original Application is granted. The Original Application is accordingly disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.102 OF 2020
(Swati G. Jagdhane Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri R.M. Deshmukh, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. Record shows that affidavit-in-reply on behalf of Respondent Nos.2 to 4 is already filed on record.

3. Learned Advocate for the Applicant submitted that he has received the copy of the said reply yesterday.

4. In view of same, S.O. to 06.10.2021 for filing affidavit-in-rejoinder by the Applicant, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.1032 OF 2019
(Sadashiv V. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Affidavit-in-reply filed on behalf of the Respondent Nos.1 to 3 is taken on record and copy thereof has been served on the other side.

3. S.O. to 04.10.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.9 OF 2019 IN O.A.NO.527 OF 2012
(Anantrao V. Saudagar Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri Taher Ali Quadri, learned Advocate for the Applicant, Shri M.P. Gude, learned Presenting Officer for the Respondent No.1 and Shri D.T. Devane, learned Advocate for the Respondent Nos.2 & 3.

2. By consent of parties, S.O. to 21.09.2021 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.414 OF 2018
(Vranda P. Sadgure Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for the Respondent Nos.1 to 3 and Ms. P.R. Wankhade, learned Advocate for the Respondent No.4.

2. Affidavit-in-reply filed on behalf of the Respondent No.4 to the subsequent short affidavit filed by the Applicant is taken on record.

3. S.O. to 30.09.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.269 OF 2021 WITH M.A.NO.270 OF 2021 IN
M.A.ST.NO.802 OF 2021 IN O.A.ST.NO.803 OF 2021
(Dattatraya S. Sonawane Vs. State of Maharashtra & Ors.)**

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri V.S. Panpatte, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. Considering the facts and circumstances of the case, in our opinion, affidavit-in-reply of Respondents is necessary.

3. Hence, issue notice to the respondents in M.A.No.269/2021 and M.A.No.270/2021, returnable on 06.10.2021.

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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M.A.269/21 & 270/21 IN

M.A.270/21 IN O.A.St.803/21

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 06.10.2021.

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

10. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

**M.A.NO.261 OF 2021 IN O.A.ST.NO.1107 OF 2021
(Prathamesh S. Vaidhya & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri R.K. Asthekar, learned Advocate for the Applicants and Shri M.P. Gude, learned Advocate for the Respondents.

2. By this application, the Applicants are seeking permission to sue the Respondents jointly.

3. All the Applicants are working as Auditor Grade-2 in the Co-operative Societies (Audit) department. The Respondent No.3 prepared provisional seniority list and objection were invited. The Applicants submitted their objections but the same have not been decided. Also final seniority list is not published and directly promotion orders are issued in favour of Respondent Nos.4 to 12 without preparing final seniority list. Thereby, the Applicants are aggrieved. The Applicants are having common interest.

4. In view of the same, in order to avoid the multiplicity of the proceedings, permission to sue the Respondents

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M.A.261/21 IN O.A.St.1107/21

jointly is granted subject to payment of court fee stamps, if not paid.

5. Accompanying O.A. be registered and numbered, after removal of office objections, if any.

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

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST.NO.1107 OF 2021
(Prathamesh S. Vaidhya & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri R.K. Asthekar, learned Advocate for the Applicants and Shri M.P. Gude, learned Advocate for the Respondents.

2. Issue notice to the respondents, returnable on 06.10.2021.

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.St.No.1107/21

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 06.10.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.485 OF 2021
(Amol J. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 27.08.2021

ORAL ORDER :

Heard Shri M.G. Deokate, learned Advocate for the Applicants and Smt. Deepali S. Deshpande, learned Advocate for the Respondents.

2. The Original Application is filed challenging the modified selection list dated 08.08.2021 (Annex. 'F') issued by the Respondent Nos.3 & 4 thereby deleting the name of the Applicant for the post of **Multipurpose Health Worker (Male) (40%)** as per the advertisement dated 24.02.2019 (Annex. 'A') issued by Respondent No.3 for filling up vacancies in group 'C' category by direct service (2018).

3. The Applicant applied for the said post in the category of General O.B.C. Meanwhile, on 18.1.2021 (Annex. 'B'), the Government decided to fill up only 50% vacant post of group 'C' category Health Department. As per the original advertisement, 10 posts of Multipurpose Health Worker (Male) (40%) were to be filled in.

4. After conducting the examination, merit list was published. The Applicant secured 176 marks out of 200. He is stood at Sr.No.4 in the said merit list. The Respondent Nos.3 & 4 published selection list (Annex. 'E') on 06.08.2021. The name of the Applicant was there at Sr.No.2 in General OBC category. However, subsequent modified selection list dated 8.8.2021 (Annex. 'F') was issued by the Respondent Nos. 3 & 4. In the said list, the name of the Applicant did not appear. Instead, the name of Respondent No.5 is shown as selected candidate in the Ex-Servicemen category. Being aggrieved by that, the Applicant approached this Tribunal and has sought to quash and set aside the said impugned selection list dated 08.08.2021 (Annex. 'F') and seeking interim relief not to allow any official work to Respondent No.5 and not to fill up one post of Multipurpose Health Worker (Male) (40%).

5. Learned P.O. submits that he would take instructions and file affidavit-in-reply.

6. After having considered the facts on record, it is evident that the name of the Applicant appeared in the first selection list dated 06.08.2021 (Annex. 'E'). However, in the subsequent modified selection list dated 08.08.2021 (Annex 'F'), the name of the Applicant did not appear.

7. In view of peculiar situation, we are of the opinion that it would be just and proper to make the said modified selection list (Annex 'F') dated 08.08.2021 subject to outcome of the Present Original Application. Ordered accordingly.

8. Issue notice to the respondents, returnable on 06.10.2021.

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

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.

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O.A.485/2021

13. S.O. to 06.10.2021.
14. Steno copy and Hamdast is allowed to both parties.
14. The present matter be placed on separate board.

MEMBER (A)

MEMBER (J)

M.A. 456/2019 IN O.A. ST. 1749/2019
(Sandip V. Gange Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri Govind B. Chate, learned Advocate holding for Shri S.R. Andhale, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate for respondent no. 4.

2. At the request of learned Advocate for the applicant, S.O. to 23.9.2021 for production of relevant documents as per order dated 5.8.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 368/2021
(Nanda M. Patil & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply of the respondents. Time granted.
3. S.O. to 24.9.2021.

MEMBER (J)

O.A. NO. 444/2020 WITH CAVEAT 14/2021
(Alkesh D. Getme Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri S.T. Chalikwar, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent nos. 1 & 2 and Shri B.R. Kedar, learned Advocate for respondent no. 5. Shri I.G. Irale, learned Advocate for respondent nos. 3 & 4 (**absent**).

2. Learned Advocate for the applicant seeks time. Time granted.
3. S.O. to 24.9.2021 for hearing.

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant has been relieved from his present post of Awal Karkun from the office of Dist. Supply Office, Beed for joining at the transferred place in the office of Sub-Divisional Officer, Revenue Department, Beed as per the general transfer order dated 6.8.2021 (Annex. A-7 page 74 of paper book).

3. Issue notices to the respondents, returnable on 23.9.2021.

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

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O.A. NO. 489/2021

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.

9. S.O. to 23.9.2021.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 337/2020
(Avinash S. Adke Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Smt. Punam Mahajan, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. The present O.A. is filed by the applicant challenging the impugned transfer order dated 10.8.2020 (Annex. A-6 page 62 of paper book) issued by the respondent no. 2, whereby the applicant was transferred from the post of Assistant Account Officer from the office of the S.R.P.F., Gr. No. 6, Dhule to the Office of Education Officer, Sarva Shikshan Abhiyan, Dhule, where the applicant has joined on his transfer.

3. Learned Advocate for the applicant submits that now the applicant has been transferred to his choice place at Nashik, and therefore, his grievance is redressed. In this regard the learned Advocate for the applicant has placed on record the copy of the transfer order dated 17.8.2021, which is taken on record and marked as document 'X' for the purpose of identification.

4. In view of above, the learned Advocate for the applicant seeks permission to withdraw the present O.A. I have no reason to allow the applicant to withdraw the O.A.

5. Accordingly the present O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 207/2021
(Devidas E. Baviskar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. The applicant is retired from the post of Officer Superintendent from the office of the respondent no. 3 – the Government Pleader, High Court of Bombay, Bench at Aurangabad w.e.f. 31.8.2017. It is the contention of the applicant that during his service tenure he was holding the additional charge of the post of Establishment Officer in the office of the respondent no. 3 for the period from 9.7.2004 to 4.3.2007. However, the applicant was not paid the requisite salary for the said period, which was payable to him for holding the additional charge of the post of Establishment Officer. Therefore, the applicant has approached this Tribunal by filing the present O.A. for redressal of his grievance.

3. Learned P.O. produced on record copy of memorandum dated 26.8.2021 issued by the respondent no. 1 noting that sanction for arrears of additional salary / special pay to the applicant for holding the additional charge of the post of Establishment Officer for the period from 9.7.2004 to 8.7.2005 was earlier granted by Head of

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O.A. NO. 207/2021

the Department as per rules. By the said memorandum sanction is also accorded for payment of arrears of additional pay / special pay for the remaining period from 9.7.2005 to 4.3.2007. The said copy of memorandum is taken on record and marked as document 'X-2' for the purpose of identification.

4. She further placed on record copy of letter dated 17.8.2021 issued by the respondent no. 3 whereby it is stated that the applicant has been paid the arrears of additional pay / special pay for holding the charge of the post of Establishment Officer for the period from 9.7.2004 to 8.7.2005, by cheque. It is taken on record and marked as document 'X-3' for the purpose of identification.

5. In view of above, it reveals that the respondents have complied with the relief sought by the applicant in terms of prayer clause (C) of O.A., partly and it remains to be complied with only in respect of payment of additional pay / special pay to the applicant for the period from 9.7.2005 to 4.3.2007. Therefore, the present O.A. can be disposed of by giving suitable directions to the respondents. Hence, I pass the following order :-

ORDER

- (i) O.A. No. 207/2021 stands disposed of.

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O.A. NO. 207/2021

- (ii) The respondents are directed to pay the additional pay / special pay to the applicant for the remaining period i.e. from 9.7.2005 to 4.3.2007 as per the memorandum dated 26.8.2021 (document 'X-2), within a period of 2 months from today.

There shall be no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 367/2019
(Arvind D. Sulakhe Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 7.9.2021 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 85/2020
(Satwa N. Sangle Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 3.9.2021 for hearing at the stage of admission.
3. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 44/2020
(Asha S. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 27.08.2021
ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant placed on record copy of G.R. dated 6.12.2010. It is taken on record and marked as document 'X' for the purpose of identification.

3. With the consent of both the sides, S.O. to 6.9.2021 for final hearing.

MEMBER (J)

**M.A.NO. 131/2020 IN O.A.O. 375/2020
(Smt. Aruna W/o. Surendra Lahjurikar Vs. State of
Maharashtra & Ors.)**

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

DATE : 27.08.2021

ORDER

By this Miscellaneous Application the applicant is seeking condonation of delay of 6 years, 2 months and 3 days for filing the accompanying Original Application under Section 19 of the Administrative Tribunals Act, 1985 for the relief of grant of pensionary benefits.

2. The applicant is widow of the deceased Surendra Dharma Lahurikar, who died on 16.5.2012. The said deceased was Government servant. He was working with respondent Nos. 2 to 4 on the post of Helper. He was appointed on 11.2.1983. Till January, 1996 he worked regularly. However, from 1.2.1997 he remained absent from duty as he was suffering from disease of Synetic effect (slow witted). He resumed the duties again on or about 9.10.2000. He worked for few months. However, he again sustained the severe attack of same disease. Consequently, he lost his understandings. Therefore, he could not resume the duties from 1.1.2001 till his demise.

3. It is the contention of the applicant that after death of her husband on 16.5.2012 she made application on 29.5.2012 to the respondents requesting for family pension. However, the same was not considered. Thereafter, she made representations dated 16.2.2016 and 1.3.2016 to the respondent No. 4. In response to that the applicant received reply by letter dated 23.3.2016 from respondent No. 3 asking for production of certain necessary documents. The applicant submitted necessary documents but family pension was not granted to her.

4. Thereafter, on or about 20.9.2019 son of the applicant viz. Prashant Surendra Lahrikar made an application requesting for grant of family pension and also appointment for him on compassionate ground. That was also not considered. Till then she was not aware of the remedy available to her. When she came to know about the said remedy she filed the accompanying O.A. along with delay condonation application.

5. Affidavit in reply is filed on behalf of respondent Nos. 1 to 4 thereby it is admitted that deceased

Surendra Dharma Lahurikar was appointed as a Helper and he was regular employee. The rest of the contents of the Miscellaneous Application are denied. It is subsequently submitted that while in service the said deceased employee was in the habit of remaining absent from duties without any intimation to the office. The deceased employee worked only for a period from 9.10.2000 to 31.12.2000 during intermediate period. Thereafter, he remained absent from the duties till his death. He was unauthorizedly absent. The respondents made correspondence with the deceased during his lifetime and with his family members after the death of the deceased employee asking for documents of explaining absence period. However, there was no response. No sufficient cause is shown for condonation of delay and the present Miscellaneous Application deserves to be dismissed.

6. Affidavit in reply is also filed on behalf of respondent No. 5 – Accountant General (A&E)-II, Nagpur. It is stated that the respondent No. 5 comes into the picture only after submission of necessary papers for pension for Government servant, who is

entitled for pensionary benefits. In this case no any pension papers were received from the office of respondent Nos. 1 to 4. However, delay is not explained properly.

7. I have heard the arguments advanced by Shri Sachin G. Joshi, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

8. Considering the facts and circumstances of the present case and in view of the provisions of Section 21 (1) (b) of the Administrative Tribunals Act, 1985, the limitation would start from expiry of six months of any appeal or representation made by the Government servant to the authority. In the present case various representations are made by the applicant for seeking pensionary benefits. However, first such representation was made by the applicant on 29.5.2012 after death of the deceased Surendra Dharma Lahurikar on 16.5.2012. It is the contention of the applicant that she did not receive any response to her said representation. The period of six months expired on 28.11.2012. The accompanying Original

Application under Section 19 of the Administrative Tribunals Act, 1985 along with the present delay condonation application is filed on 2.3.2020. In view of the same, the delay of about 6 years, 2 months and 3 days has been caused in filing the accompanying Original Application.

9. It is true that the delay is not marginable and it is of considerable period. The applicant however, is seeking pensionary benefits. The deceased was working as a Helper, Class-IV employee. The relief claimed by the applicant in the accompanying Original Application is not going to affect any claim of other Government employee in any manner adversely. The Original Application is for claiming monetary relief. Whether the applicant produced requisite documents before the authority in all these years for seeking that benefit is a matter of merit, which can be considered at the time of hearing of accompanying Original Application, if registered. In view of this, refusing to give indulgence in the matter is likely to defeat the cause of justice at the threshold. By giving an opportunity to the applicant in O.A. what highest would happen is that the matter would be decided on

merit. It is settled principle of law that expression “sufficient cause” is to be construed liberally. In view of this, in my considered opinion, this is a fit case to condone the delay of about 6 years, 2 months and 3 days by imposing moderate costs upon the applicant. Therefore, I proceed to pass the following order: -

ORDER

The present Miscellaneous Application is allowed.

- (ii) The delay of about 6 years, 2 months and 3 days caused in filing accompanying Original Application is hereby condoned, subject to payment of costs of Rs. 1,000/- (Rs. One thousand only). The applicant shall deposit the amount of cost in the registry of this Tribunal within the period of one month from the date of this order.
- (iii) Accompanying O.A. be registered and numbered after removal of office objections, if any.
- (iv) Accordingly, the present Miscellaneous Application stands disposed of.

MEMBER (J)