

**ORIGINAL APPLICATION NO. 655/2016
(Shri Santosh C. Bhadane Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri D.S. Bagul, learned Counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 146/2016
(Shri Rakesh A. Thakre Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri S.D. Kotkar, learned Counsel for the applicant (**absent**). Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 946/2017
(Shri Namdeo L. More Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri K.B. Jadhav, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 29.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 08/2018
(Shri Devendra S. Jade Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Smt. Pratibha Bharad, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 27.6.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 598/2018

(Shri Ganpat G. Sansare Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman**

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

None appears for the applicant. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 13.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 900/2018
(Shri Bhika M. Pathare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 14.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 907/2018

(Shri Prabhakar A. Satdive Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 14.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 141/2019

(Dr. Pandharinath S. Gawali & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman**

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 15.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 385/2019
(Shri Suresh U. Nande Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri P.B. Rakhunde, learned Counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 15.7.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 757/2019

(Dr. Munna Afreen Abdul Gaffar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 4.7.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 62/2020

(Dr. Maheshkumar L. Mane Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri S.K. Naikwade, learned Counsel for the applicant (**absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of applicant and his learned counsel, S.O. to 5.7.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 501/2020

(Dr. Prashant B. Shamkumar Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri V.G. Pingle, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 27.6.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 582/2020
(Muktar Fakira Tadvi Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri D.R. Shinde, learned Counsel for the applicant (**leave note**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 28.7.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 14/2021
(Jaykumar R. Koli Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri C.V. Dharurkar, learned Counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 8.7.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

**O.A.NOS. 553/2013 & 639, 640, 676, 681, 682,
803, 860, 864, 897, 905 TO 910 ALL OF 2012 AND
243, 259, 260 & 325 /2013 AND 626/2014 WITH
O.A. 611/2013**

(Shri Rashid Sk Noor Patel & Ors. V/s. State of Mah. & Ors.)

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri S.S. Dambe, learned Counsel for the applicants in all these matters (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, is present.

2. S.O. to 10.8.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

Date : 28.4.2022

O.A. 393/2022

(Shri Deepak V. Chatap V/s State of Maharashtra & Ors.)

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

1. Shri S.S. Jadhavar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on **9.6.2022**. The case be listed for admission hearing on **9.6.2022**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

**ORIGINAL APPLICATION NO. 77/2022
(Yogesh V. Patil Vs. State of Maharashtra & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Heard Heard Shri Vinod P. Patil, learned Counsel for the applicant and Shri M.A. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present applicant had applied for the post of Police Constable Driver in pursuance of the advertisement dated 30.11.2019 issued by the Additional Director General of Police in that regard. The applicant had applied for the said post in more than one district. There was stipulation in the advertisement that for one post in one unit not more than one application will be entertained. We deem it appropriate to reproduce Clause 11.10 in the said advertisement as it is in vernacular, which reads as under :-

“११.१०) उमेदवारास (१) जिल्हा पोलीस दलातील पोलीस आयुक्त / पोलीस अधीक्षक यांच्या आस्थापनेवरील पोलीस शिपाई चालक, (२) लोहमार्ग पोलीस दलातील पोलीस शिपाई चालक व (३) राज्य राखीव पोलीस बलातील सशस्त्र पोलीस शिपाई पदासाठी एक अशा एकूण पदांसाठी तीन आवेदन अर्ज सादर करता येतील (महिला उमेदवारांना राज्य राखीव पोलीस बलातील सशस्त्र पोलीस शिपाई पदासाठी आवेदन अर्ज सादर करता येणार नाही.)

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O.A. NO. 77/2022

एकाच पोलीस घटकातील एकाच पदासाठी एकापेक्षा जास्त अर्ज सादर करता येणार नाहीत. (उदाहरणार्थ :- पोलीस आयुक्त, बृहन्मुंबई यांच्या आस्थापनेवरील पोलीस शिपाई चालक पदासाठी एकापेक्षा जास्त अर्ज भरता येणार नाहीत किंवा राज्य राखीव पोलीस बलातील एकाच गटात सशस्त्र पोलीस शिपाई पदासाठी एकापेक्षा जास्त अर्ज भरता येणार नाहीत). जर एका उमेदवाराने एकाच पोलीस घटकातील एकाच पदासाठी एकापेक्षा अधिक अर्ज केलेले आहेत असे आढळून आले तर अशा उमेदवारांची उमेदवारी रद्द केली जाईल.

एकाच पदासाठी विविध पोलीस घटकांत आवेदन अर्ज सादर करता येणार नाहीत.”

In spite of aforesaid clause the applicant had admittedly applied for the one and the same post in more than one district and some of the candidates had also appeared for the examination at more than one place.

3. It is the contention of the applicant that the restriction so imposed by the respondents in the advertisement was violative of Constitutional guaranty envisaged under article 19 of the Constitution of India. It is the contention of the applicant that though he might have filled in the application forms at more than one place and also had appeared for examination in more than one districts, and even if applicant is selected at two places, ultimately he would join only at one place and at the other place where he may not join, the next candidate in order of merit would get the appointment. According to the learned counsel, no prejudice is thus likely to be caused to any of the meritorious candidate.

4. The learned counsel submitted that arising out of the same advertisement issued on 30.11.2019 some of the aggrieved candidates have preferred the Original Applications at Principal Bench of the Tribunal at Mumbai, as well as, at Nagpur Bench and the principal Bench at Mumbai, as well as, Nagpur Bench have allowed the applications so filed and have directed the respondents to consider the applicants in the said Original Applications for their appointments on the post of Police Constable Driver, if they are found otherwise entitled. The order passed by the principal Bench at Mumbai in O.A. No. 144/2022 (Shri Amit Harischandra Daphal Vs. the State of Maharashtra & Ors.) along with other O.As. dated 11.4.2022 is tendered on record by the applicant. Similarly the copy of the order passed by the Nagpur Bench in Civil Application No. 143/2022 in O.A. No. 1114/2021 (Amol s/o Dileep Raut Vs. the State of Maharashtra & Ors.) and other O.As. dated 20.4.2022 is also placed on record by the applicant. The learned counsel for the applicant urged that in view of the orders passed at principal seat at Mumbai and the Nagpur Bench, the present Original Application, deserves to be allowed since the applicant is similarly placed candidate.

5. The learned C.P.O. appearing for the State authorities has strongly opposed the contentions raised in the present O.A. It is the contention of the learned C.P.O. that the

applicant was fully aware of the condition incorporated in the advertisement and knowing full well and having completely aware of the said restriction, the applicant has participated in the selection process. He submitted that the applicant has not raised any dispute as about the condition imposed in the advertisement on the basis of which his candidature has been rejected by the respondent authorities. The learned C.P.O. submitted that when the applicant did participate in the selection process without raising any objection to the condition so incorporated in the advertisement, cannot now turn around and question the method of selection and its outcome. Reliance is also placed by the learned C.P.O. on the decision of the Hon'ble Supreme Court in the case of **Ramesh Chandra Shah and Others Vs. Anil Joshi and Others in Civil Appeal Nos. 2802-2804 of 2013 (arising out of SLP (C) Nos. 30581-30583 of 2012)**. The learned C.P.O. further contended that the application of the present applicant is liable to be rejected on one more ground that he has not disclosed the entire facts in his O.A. The learned C.P.O. submitted that while filling in the application online for second time, in the form so generated a warning has appeared that if the candidate has filled in an application previously, then it is impermissible to fill or apply second time and if so happens the respondents have every right to reject his candidature. In spite of said warning the applicant has in utter violation

of the condition in the advertisement and ignoring the warning has applied for the same post in another District. In the circumstances, according to the learned C.P.O., no illegality or error can be found with the decision taken by the respondents not to consider the present applicant for his appointment on the subject post.

6. We have carefully considered the submissions advanced by the learned counsel appearing for the applicant and the learned Chief Presenting Officer appearing for the respondent authorities in the present matter. We have perused the documents placed on record by the parties. Most of the facts are not in dispute. It is not in dispute that clause no. 11.10 incorporated in the advertisement specifically debars the candidates from consideration, who have filed more than one applications and who have appeared at more than one places for written examination. It is also a matter of record that the applicant in the present Original Application has filled in more than one application form and has appeared for the written examination at more than one places. It is further not in dispute that some of the similarly situated candidates like the present applicant had preferred Original Applications at principal seat of this Tribunal at Mumbai and some at Nagpur Bench. Similar arguments were advanced before the principal Bench at Mumbai that

restriction so imposed by incorporating clause 11.10 in the advertisement, the fundamental right under article 19 of the Constitution has been violated.

7. The order passed by the Nagpur Bench in O.A. No. 22/2022 (Ms. Pushpa Ramkaran Yadav Vs. The State of Maharashtra & 3 Ors.) along with other O.As. dated 31.3.2022 was cited before the principal Bench. While allowing O.A. No. 22/2022 the Nagpur Bench has held that the applicants in those O.As. cannot be held to have incurred disqualification on account of making more than one application for the same post in more than one unit. Nagpur Bench has therefore directed the respondents therein to consider the candidature of such candidates on their own merits and in accordance with law.

8. The principal Bench while allowing the applications filed before it has observed thus :-

“7. In the present case in the advertisement the Respondent office of Additional Director General of Police has disallowed the candidates to apply for the same posts in different units. However, consequence of applying in more than one unit is not mentioned in the advertisement. The Respondent appointing authority has debarred the candidature on the basis of clause 11.10 which is mentioned in the advertisement. It appears that the intention of the Respondent State while including this clause was to avoid duplication of the candidature to facilitate the opportunity to more

candidates and to avoid duplication and administrative chaos and to provide opportunity to more candidates. However, if one candidate makes applications in three to four units and appears for the examination at two places and even if they are selected in two places it will not lead to administrative chaos because one person cannot take the Government appointments at two different places. Thus he will take up the appointment at only one District and will withdraw from the process in the other unit. This will lead to vacancy of the said selected posts. However that can be filled-up by appointing the candidates from wait list. Thus there would not be duplication of the process. Moreover such restrictions of not allowing the citizens to apply at two to three units or the place of their choice in the State will amount to restricting their fundamental right which is guaranteed under right to freedom and right of taking employment, education on the place of his choice under Article 19 of the Constitution of India. This condition cannot be treated as a reasonable restriction but it is erroneous restriction and therefore we are not inclined to uphold the cancellation of the candidature of these applicants on the ground of submitting applications in different units for the same post and appearing for the examination at more than one place. The person had choice to apply to the post if at all he is eligible. His freedom to choose cannot be restricted by putting any condition, if at all the person is otherwise eligible in respect of all criteria.”

Para 8 in the said order is also relevant, which reads thus :-

“8. The letter dated 28.04.2016 pointed out by the learned Advocate for the Applicant discloses that earlier in the year 2014 the Recruitment of the Police Constable, similar condition was imposed and in the

similar manner the C.P. of Nagpur has treated them ineligible and cancelled their candidature. However, the Government by letter dated 17.12.2015 has taken decision for their selection in the Government service and has issued Circular dated 20.04.2016. Their selection was upheld and the letter dated 20.04.2016 is also about giving appointment to those candidates whose candidature was cancelled on account of their applications at more than one unit.”

9. The argument has been advanced in the present matter by the learned Chief Presenting Officer that after having participated in the selection process without raising any objection to the concerned clause in the advertisement, the applicant is now estopped from raising any objection. Similar objection was raised before the Nagpur bench also. However, the same has been turned down by the said Bench. In view of the fact that in the similar set of circumstances the principal Bench at Mumbai and the Nagpur Bench have allowed the Original Applications filed by the similarly situated candidates, the present Original Application also deserves to be allowed.

10. Since the coordinate Benches have already taken some view in the similar matters and have passed the orders accordingly, we may pass similar order in the present matter. We, however, wish to add our point of view on some issues, which perhaps were not raised before the said Benches.

11. The applicant was admittedly called upon by the computer system to submit an undertaking that information submitted by him is correct. The text of undertaking reads as under :-

“Undertaking before logging on to the registration portal –

- 1. I have read and understood the Advertisement carefully before filling in the form.*
- 2. I have scanned my photograph and signature ready on my desktop confirming to the specified standards as mentioned in the Advertisement.*
- 3. I have downloaded the online Advertisement and read it carefully before filling the form.*
- 4. I have the details for payment (Credit Card / Debit Card / Internet Banking) available with me for making online payment.*
- 5. I agree that my application form will be treated as complete only if I finally submit the application along with the payment of necessary fees.*
- 6. I agree to bear the payment gateway additional charges.*
- 7. Candidates are advised that, before filling online application, they should first check the vacancy statement of the concerned Unit and category in which they want to apply and should verify that such vacancy exists. Application and candidature of candidates applying to categories which are not available in particular Unit are liable to be rejected at any stage of recruitment. Such candidates will also not be able to claim any refund of the application fees made in such case.*

8. *I accept to receive messages from MAHA-IT even if my mobile number falls under Opt-in and/or DND (Do Not Disturb) / DNC (Do Not Call) category.*

Before submitting the form – Undertakings

1. *I fulfill the conditions as specified in the eligibility criteria and registration guidelines.*

2. *All the particulars provided by me in this application are true, correct and complete to the best of my knowledge and belief.*

3. *I shall produce all the original documents along with the attested copies as and when required, failing to which I will be considered as blacklisted and debarred.*

4. *In case any particulars given by me in this application are found to be false, incorrect and / or misleading, I shall be liable for being blacklisted or debarred from all further examinations and selection process of the Home Department, District and Railway Police Constable Driver and SRPF armed Police Constable Recruitment-2019.”*

12. As per the text of warning in the form, which appeared on computer screen while applicant was filling in duplicate applications if it is found that duplicate registration was deliberately created, the Department holds a right to disqualify the candidature of the concerned candidate. The text of warning reads as under :-

“Warning : A similar record was found in applicants list. If identified that the duplicate registration was deliberately created, the Departments holds the authority to reject / disqualify the candidate and no refund shall be provided. Please ignore the message and continue your registration if this is your only registration profile.”

13. However, having regard to the orders passed by the principal Bench at Mumbai and at Nagpur Bench, we may not take any different view. We have referred to the above provisions with an intent to express our concern about the candidates, who, followed the condition incorporated in the advertisement and refrained themselves from making more than one application. We feel that care and caution is to be taken to safeguard the interest of such candidates also and preventing occurrence of what may be called as changing rule of game after results are known. We reiterate that we are not taking any contrary view insofar as the final orders passed at principal Bench at Mumbai and Nagpur Bench of this Tribunal in view of judicial propriety and discipline and rule laid down by the Hon'ble Apex Court in the case of **State of Bihar Vs. Kalika Kuer @ Kalika Singh and others, AIR 2003 SC 2443**. In the result following order is passed :-

ORDER

1. The Original Application is allowed.
2. The order of cancellation of the candidature of the applicant in the present Original Application passed by the respondents is quashed and set aside. The respondents shall allow the applicant to participate in the further process of selection on his merit.

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O.A. NO. 77/2022

3. The learned C.P.O. shall inform the operative part of the present order to the concerned.
4. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDERS 28.4.2022

ORIGINAL APPLICATION NO.785/2021
(Ashok Namdeo Godbole Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.04.2022

ORAL ORDER :

APPLICATION FOR SPEAKING TO MINUTES

Shri G.K.Muneshwar, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant submits that by order dated 11-04-2022, M.A.NO.117/2022 was allowed and one week's time was granted for carrying out the proposed amendment but due to some personal difficulty amendment could not be carried out.

3. Learned Counsel, therefore, seeks extension of time to carry out the amendment. Request accepted. Time is extended to carry out amendment by one week from the date of this order.

4. O.A. to come up on board on 06-06-2022.

MEMBER (A)

YUK ORAL ORDERS 28.04.2022

VICE CHAIRMAN

**M.A.NO.343/2021 IN O.A.NO.692/2017
(Bhanudas Watane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicant and Shri Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Counsel for the applicant tenders affidavit in rejoinder to the reply submitted by the respondents. Same is taken on record. Copy thereof has been served on the other side. List the matter for further consideration.

3. Interim relief granted earlier to continue till then.

4. S.O. to 06-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.108/2021
(Chhaya Saste & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri S.P.Salgar learned Advocate holding for Shri Nitin Gaware, learned Advocate for the applicant, Smt. M.S.Patni, learned Presenting Officer for the respondent authorities and Shri Anup D. Mane learned Advocate holding for Shri Amol S. Sawant, learned Advocate for respondent no.10, are present.

2. S.O. to 30-06-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.136/2020
(Rameshwar Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri P.D.Suryavanshi, learned Advocate for the applicant and Shri M.S.Mahajan, learned Presenting Officer for the respondents, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Request is opposed by the applicant stating that already sufficient time is granted to file reply.

3. In view of above, time is granted as a last chance to file reply. S.O. to 27-06-2022.

MEMBER (A)

VICE CHAIRMAN

**O.A. NOS. 377, 378, 379, 380, 381, 470, 471, 472, 473,
474 & 475 ALL OF 2020
(Ganesh B. Choudhari & Ors. Vs. State of Maharashtra &
Ors.)**

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.04.2022

ORAL ORDER :

Shri M.V. Bhamre, learned Counsel for the applicants in all these matters, Shri I.S.Thorat, learned Presenting Officer for the respondent authorities in all these matters and Shri S.G. Sharma, learned Counsel for respondent nos. 4, 8, 10 to 16 & 19 in O.A. Nos. 377, 378, 379, 380, 381, 470, 471 & 475 OF 2020, are present. None appears for rest of the respondents.

2. Shri Sharma, learned Counsel appearing for respondent nos.4, 8, 10 to 16 & 19 in O.A. Nos. 377, 378, 379, 380, 381, 470, 471 & 475 OF 2020, in all these matters submits that these respondents are adopting reply submitted by the Government and are not intending to file separate reply. The statement is recorded.

3. Today, the matter is listed for filing affidavit in rejoinder by the applicant. Rejoinder has not been filed.

4. Hence, list the matter for hearing on 11-07-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.768/2019
(Balasaheb Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.04.2022

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri A.S.Deshmukh learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. At the request of learned Advocate for the applicant, S.O. to 10-06-2022.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO.13/2020 IN O.A.ST.NO.2428/2019
(Sanjay Dargude Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Heard Shri M.R.Wagh, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. This is an application seeking condonation of delay which has occurred in filing the O.A. by the applicant. It is the case of the applicant that in the year 2003, he had filed one O.A. before this Tribunal and the same was allowed wherein some relief was granted in favour of the present applicant. The order so passed by the Tribunal was questioned before the Hon'ble High Court vide Writ Petition No.4951/2004. The said Writ Petition came to be dismissed on 07-04-2015. Against the said order, the applicant approached the Hon'ble Supreme Court, however, SLP was dismissed by the Hon'ble Supreme Court. It is the contention of the learned Counsel that having regard to the liberty given to the applicant by the

Hon'ble High Court, he approached the respondent department to consider his case for appointment by relaxing conditions of age and physical fitness. However, the department rejected his said request. Learned Counsel submitted that against the said order the applicant again approached the Hon'ble High Court by filing Writ Petition No.6873/2018 and on 17-07-2018 withdrew the said Writ Petition with liberty to file the same before this Tribunal.

3. Learned Counsel submitted that in the aforesaid exercise some period has been lapsed. It is further contended that because of the poor economic condition of the applicant he could not approach the Tribunal within the period of limitation. The request is therefore made for condoning the delay caused for filing the O.A.

4. Request so made is opposed by the learned P.O. stating that there is absolutely no reason which can be said to be just and sufficient to condone the delay caused for filing the O.A. Learned P.O., therefore, prayed to reject the M.A.

5. We have considered the submissions advanced by the learned Counsel for the applicant as well as the learned P.O. representing the respondents. Few dates are material in the matter. The SLP No.2769/2015 filed by the applicant was dismissed by the Hon'ble Apex Court on 14-09-2015. Thereafter, taking recourse to the liberty given by the Hon'ble High Court while deciding the Writ Petition No.4951/2004, the applicant presented application before the respondent authorities, not promptly but leisurely in the year 2016. Reply was received in the year 2016 itself. However, even thereafter without adopting due recourse, applicant approached the Hon'ble High Court in 2018. It is not understood as to why the applicant approached the Hon'ble High Court though he was having knowledge that jurisdiction to try his case was with the Tribunal and earlier he had approached the Tribunal. It further reveals that after the Writ Petition was withdrawn on 17-07-2018, even thereafter, the O.A. is not filed within reasonable period and it came to be filed at the fag end of December, 2019. It appears to us that the applicant is noticed to

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M.A.NO.13/2020 IN O.A.ST.NO.2428/2019

be negligent throughout. His alleged poor economic condition does not appear to be the real reason. The applicant has thus failed in justifying the period of delay caused in approaching this Tribunal. The application, therefore, deserves to be rejected.

6. Further, having perused the prayers made in the O.A. and the reasoning given by the applicant in support thereof we are afraid, any such relief could have been granted to the applicant, even if the delay had been condoned. Hence, the order:

ORDER

- (i) M.A.NO.13/2020 for condonation of delay is rejected.
- (ii) O.A.ST.NO.2428/2019 also stands disposed of.
- (iii) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.166/2022
(Dharamsing Singal Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.04.2022

ORAL ORDER :

Shri V.M.Chate, learned Advocate for the applicant is
absent. Shri M.S.Mahajan, learned Chief Presenting
Officer for the respondents is present.

2. S.O. to 09-06-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.371/2022
(Bahasaheb B. Bhosle Vs. State of Maharashtra & Ors.)

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

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.04.2022

ORAL ORDER :

Heard Shri S.D.Joshi, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that for some minor omissions on part of the applicant, disciplinary authority after conducting the disciplinary enquiry has imposed punishment of reducing his pay to the basic pay of the Police Head Constable. The learned Counsel submits that the applicant is working on the post of Police Head Constable since last 7 years and has earned increments for the said period and if the punishment is implemented, the learned Counsel submits that, he will be subjected to suffer heavy monetary loss. Learned Counsel has taken us to the charges framed against the applicant and two other delinquents and also brought to our notice the findings of the Enquiry Officer.

3. Learned Counsel also submitted that the applicant has preferred departmental appeal prior to four months against the punishment so imposed upon him, however, the appeal has not been yet decided and respondents are likely to implement the order passed by the disciplinary authority from the next month. Learned Counsel in the circumstances has prayed for interim order thereby restraining the respondents from giving effect to the order passed by them. In the alternative, it is prayed that the respondents be directed to decide the appeal in reasonable time and till then the respondents be directed not to implement the order passed by the disciplinary authority.

4. Submissions so made are opposed by the learned P.O. It is submitted that the applicant himself has admitted his guilt and that is the reason Enquiry Officer has recorded certain findings against the applicant and based on the same the disciplinary authority has inflicted the punishment. Learned P.O. further submits that no case is made out by the applicant for grant of interim relief in his favour.

5. After having considered the submissions advanced by the learned Counsel for the applicant and after having gone through the documents filed on record, it *prima facie* appears that, as per the findings recorded by the Enquiry Officer, the charges against the applicant cannot be said to have been duly proved. Though, at this juncture, it may not be proper on our part to make more discussion on the point, *prima facie*, case is certainly made out by the applicant so far as the alternate interim relief claimed by the applicant is concerned. We are, therefore, inclined to pass the following order:

O R D E R

(i) Respondent no.2 is directed to decide the appeal filed by the present applicant against the order passed by respondent no.3 in the month of November, 2021 within 8 weeks from the date of this order. Respondents shall not implement till then the order passed by the disciplinary authority.

(ii) Issue notice to the respondents, returnable on 04.07.2022.

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

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O.A.NO.371/2022

(iv) 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.

(v) 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.

(vi) 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.

(vii) S.O. to 04.07.2022.

(viii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

YUK ORAL ORDERS 28.04.2022

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.870/2019
(Dr. Devrao Dakhure Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. Learned P.O. seeks time to submit the reply on behalf of respondents to the amended portion. Time is granted.

3. S.O. to 15-06-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.554/2019
(Ashok Gade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri S.B.Pawar, learned Advocate for the applicant is **absent**. Shri D.R.Patil, learned Presenting Officer for the respondent authorities and Shri S.B.Mene, learned Advocate for respondent nos.2 and 3, are present.

2. S.O. to 01-07-2022 for filing rejoinder affidavit.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.575/2019
(Dr. Sachin Shekde & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Santosh C. Bhosale, learned Advocate for the applicant is **absent**. Shri D.R.Patil, learned Presenting Officer for the respondents is present.

2. S.O. to 01-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.612/2019
WITH CAVEAT NO.53/2019
(Harshal Nagare & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Yogesh Bolkar, learned Advocate for the applicant is **absent**. Smt. Deepali Deshpande, learned Presenting Officer for the respondents is present.

2. S.O. to 01-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.934/2019
(Madhukar Shingade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri A.S.Deshmukh, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 04-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.36/2021
(Rajendra Mali Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Ganesh J. Kore, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 05-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.56/2021
(Santosh Kamble Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Vijay C. Suradkar, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 05-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.57/2021
(Dr. Gangadhar Kale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri M.R.Kulkarni, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 05-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.59/2021
(Baban Ramfale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Vijay C. Suradkar, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 05-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.127/2021
(Ambar Patil & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri R.P.Bhumkar, learned Advocate for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 06-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.299/2021
(N.W.Bhale & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri M.B.Sandanshiv, learned Advocate for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri S.S.Ware, learned Advocate for respondent no.5 and 6, are present.

2. S.O. to 06-07-2022.

MEMBER (A)

VICE CHAIRMAN

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

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Amol B. Chalak, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 06-07-2022. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.378/2021
(Raju Sayyed Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri G.L.Deshpande, learned Advocate for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 07-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.395/2021
(Bhau Chaudhari Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Ajit Gholap, learned Advocate for the applicant is **absent**. Smt. M.S.Patni, learned Presenting Officer for the respondents is present.

2. S.O. to 07-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.421/2021
(Manohar Bharane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicant,
Smt. M.S.Patni, learned Presenting Officer for the
respondent authorities and Shri Shamsundar B. Patil,
learned Advocate for respondent no.3, are present.

2. S.O. to 07-07-2022.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.481/2021
(Archana Bansode Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

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

2. S.O. to 07-07-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.798/2021
(Bharat Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.04.2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents, are present.

2. Learned Advocate for the applicant has filed affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 08-07-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.827/2021
(Sanjaykumar More Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.04.2022

ORAL ORDER :

Shri H.P.Randhir, learned Advocate for the applicant is **absent**. Smt. M.S.Patni, learned Presenting Officer for the respondents is present.

2. S.O. to 08-07-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.111/2022
(Pandurang Hande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora, Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.04.2022

ORAL ORDER :

Ms. Megha Mali, learned Advocate holding for Shri S.K.Mathpati, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 11-07-2022.

MEMBER (A)

VICE CHAIRMAN

YUK ORAL ORDERS 28.04.2022

**M.A. No. 297/2020 in O.A. St. No. 1203/2020
(Jayant S. Bhamare Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 28.04.2022

**M.A. No. 325/2020 in O.A. St. No. 332/2020
(Vilas S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 28.04.2022

M.A. No. 146/2022 in O.A. No. 652/2018
(Indira A. Maind and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks permission to correct the word 'leaving' as 'living' in the amendment application.
3. Permission granted. The applicant shall carry out the necessary amendment in the M.A. on or before the next date.
4. Issue notice to the respondents in M.A., returnable on 27.06.2022.
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

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MA 146/2022 in
O.A. 652/2018

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 27.06.2022.

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

MEMBER (J)

**M.A. 177/2022 in M.A. 71/2018 in O.A. St. 103/2018
(Khaderao D. Musande Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Issue notice to the respondents in M.A. No. 177/2022, returnable on 24.06.2022.
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 24.06.2022.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 16 OF 2017
(Shaikh Mukhtyar Shaik Noor Ali Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Shri M.D. Godamgaonkar, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 13.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO. 138 OF 2017
(Babu J. Phule Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Shri M.D. Godamgaonkar, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 13.06.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 712 OF 2018
(Sandipan A. Gavali Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri D.K. Rajput, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 10.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 830 OF 2018
(Shailendra H. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 4. Shri M.V. Bhamre, learned Advocate for respondent No. 5, **absent**.

2. Learned Presenting Officer is directed to place on record original record regarding selection of Kotwal.

3. S.O. to 16.06.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 386 OF 2019
(Gautam R. Fasale Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. The present matter is to be treated as part heard.
3. S.O. to 13.06.2022.

MEMBER (J)

KPB ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO. 900 OF 2019
(Arvind R. Bhingardive Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 2 to 4 to the amended O.A. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.06.2022 for final hearing.

MEMBER (J)

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

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

DATE : 28.04.2022

ORAL ORDER :

Shri P.B. Rakhunde, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 23.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO. 169 OF 2020
(Megha P. Kapure Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri S.V. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. During the course of arguments, it transpires that perusal of original record is necessary, more particularly in view of applicability of the G.R. dated 28.03.2001 and in view of subsequent Rules of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005.
3. The present matter is to be treated as part heard.
4. S.O. to 20.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 20 OF 2021
(Ramraje S. Chandane Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 17.06.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 353 OF 2021
(Sunil J. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant placed on record a copy of the Government order dated 16.03.2022 regarding revocation of suspension and reinstatement of the applicant. Same is taken on record and marked as document 'X' for the purpose of identification.

3. S.O. to 17.06.2022 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 236 OF 2021
(Vikram B. Garje Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 09.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO. 112 OF 2022
(Bharat D. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 29.04.2022 at 3.00 PM.

MEMBER (J)

**O.A. Nos. 379, 408, 536, 537, 538, 539, 550, 551,
656 & 704 all of 2018**
(Dr. Kanchan T. Bhorge and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.06.2022 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.405 OF 2019
(Shishupal S. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting

Officer for the respondent Nos.1 & 2. None present on behalf of the respondent No.3.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent No.2.

3. Learned P.O. for the respondents submits that the respondent No.1 adopts the affidavit-in-reply filed on behalf of the respondent No.2.

4. None present on behalf of the respondent No.3 and no affidavit-in-reply is filed on his behalf.

5. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-in-rejoinder.

6. S.O. to 23.06.2022 for admission.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.1083 OF 2019
(Ambadas P. Deshpande Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Shri Sudhir Telgote, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.1 to 3.
3. Record further shows that inspite of grant of opportunities, no affidavit-in-rejoinder is filed on behalf of the applicant.
4. In view of above, S.O. to 23.06.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO.185 OF 2020
(Baliram B. Mahale Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos.1 & 2. None present on behalf of the respondent Nos.3 & 4.

2. Record shows that the affidavit-in-reply is already filed on behalf of the respondent Nos.1, 3 & 4.

3. Learned P.O. submits that the respondent No.2 adopts the affidavit-in-reply of respondent No.1.

4. S.O. to 23.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

ORIGINAL APPLICATION NO.341 OF 2020
(Mangala M. Pande Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Learned C.P.O. for the respondents submits that the impugned transfer order of the applicant is likely to be cancelled within one week.

3. In view of submission of learned C.P.O., S.O. to 06.05.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.342 OF 2020
(Savita N. Murmunde Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Learned C.P.O. for the respondents submits that the impugned transfer order of the applicant is likely to be cancelled within one week.

3. In view of submission of learned C.P.O., S.O. to 06.05.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.343 OF 2020
(Bimrao S. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Learned C.P.O. for the respondents submits that the impugned transfer order of the applicant is likely to be cancelled within one week.

3. In view of submission of learned C.P.O., S.O. to 06.05.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.437 OF 2020
(Arjun D. Kharat Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondent Nos.1 to 4.

3. S.O. to 23.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.596 OF 2020
(Dyaneshwar M. Pandit Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. Deepali S. Deshpande, 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 23.06.2022 for filing affidavit-in-rejoinder, if any.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.15 OF 2021
(Satyanarayan L. Vaishnav Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Shri Hemant Surve/Shri Kshitij Surve, learned Advocates for the applicant, **are** absent. Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Record shows that the affidavit-in-reply is filed only on behalf of the respondent No.2.

3. Learned P.O. for the respondents submits that the affidavit-in-reply of respondent No.1 is not necessary but the affidavit-in-reply of respondent No.3 is necessary.

4. In view of above, time is granted for filing affidavit-in-reply of respondent No.3.

5. S.O. to 23.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.269 OF 2021
(Kishor G. Narwade Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 23.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.356 OF 2021
(Mirza Saleem Baig Ismail Baig Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent No.4.

3. S.O. to 24.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.358 OF 2021

(Taj Mohamad Khan Ameer Mohjamad Khan Durani Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent No.4.

3. S.O. to 24.06.2022.

MEMBER (J)

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

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Vishal Bakal, learned Advocate holdig for Shri V.S. Kadam, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 & 4. Shri G.N. Patil, learned Advocate for the respondent Nos.2 & 3, is **absent**.

2. Record shows that the affidavit-in-reply is filed only on behalf of the respondent Nos.2 & 3.

3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

4. Meanwhile, learned Advocate for the applicant produced on record the copy of communication dated 23.12.2021 addressed by the applicant to the respondent No.3 seeking arrears of 7th Pay Commission. Another undated letter addressed to respondent No.3 for the same relief and copy of reply dated 25.01.2022 from the Government of Maharashtra, Water Resources Department together with copy of order dated 09.09.2021 passed by the

//2//

O.A.364/2021

Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in W.P.No.10072/2021 are also produced.

5. Record shows that in farad sheet order dated 15.12.2021 it is recorded that interim stay to the recovery is granted by the Hon'ble High Court by an order dated 09.09.2021 passed in W.P.No.10072/2021. It appears that the respondents are interpreting the order of Hon'ble High Court stating that the same is dismissed. The documents produced by the applicant are taken on record and marked as document 'X' collectively for the purpose of identification.

6. Learned Advocate for the applicants submits that the respondents are flouting the order of the Hon'ble High Court granting stay to the recovery.

7. In the circumstances, learned P.O. to take note of the said development.

8. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

9. S.O. to 20.06.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO.375 OF 2021
(Ravindra R. Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.376 OF 2021
(Hanumant S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.377 OF 2021
(Vivekanand P. Dhongade Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.402 OF 2021
(Sudhakar N. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1, 4 & 5.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.403 OF 2021
(Navnath D. Ghorpade Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1, 4 & 5.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.404 OF 2021
(Jayshree P. Hambire Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Prashant Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.417 OF 2021
(Ramkant D. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned P.O., one more last chance is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 4.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.433 OF 2021
(Chabutai R. Dudhe Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri R.S. Shejule, learned Advocate holding for Shri A.K. Mishra, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.732 OF 2021
(Dashrat D. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, time is granted for filing affidavit-in-rejoinder.

3. S.O. to 20.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.781 OF 2021
(Afroz Khan Karim Khan Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri A.R. Tapse, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 23.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.829 OF 2021
(Vilas S. Mamde Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Shri V.R. Jain, learned Advocate for the applicant, **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. In view of absence of learned Advocate for the applicant, S.O. to 23.06.2022 for taking necessary steps.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.39 OF 2022
(Vishal U. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Shri V.B. Dhage, learned Advocate for the applicant, is **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 23.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.63 OF 2022
(Sandeep S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Shri K.G. Salunke, learned Advocate for the applicant, is **absent**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

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

3. S.O. to 24.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.74 OF 2022
(Siddiqui Mohd. Minhauddin Mohd. Sardauddin Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate, S.O. to 29.04.2022 for taking instructions from the applicant.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.274 OF 2022
(Vajjnath P. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that he would file service affidavit during the course of the day.

3. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.

4. S.O. to 17.06.2022

MEMBER (J)

ORIGINAL APPLICATION NO.292 OF 2022
(Ramkishan C. Mavai Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Dilip Mutalik, learned Advocate Shri J.B. Choudhari, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 & 2. None present on behalf of the respondent No.3, though duly served.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent Nos.1 & 2.

3. S.O. to 22.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.297 OF 2022
(Sandipan K. Kalle Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. At the request of the learned Advocate for the applicant, S.O. to 10.06.2022 for filing service affidavit.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**M.A.NO.201 OF 2020 IN O.A.ST.NO.464 OF 2020
(Satish S. Gugale Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Smt. Amruta Pansare, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Short affidavit filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 24.06.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**M.A.NO.84 OF 2021 IN O.A.ST.NO.263 OF 2021
(Raju P. Korde Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Shri N.P. Bangar, learned Advocate for the applicant, is **absent**. Heard Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 & 2 and Shri S.B. Mene, learned Advocate for the respondent Nos.3 to 6.

2. At the request made on behalf of the respondents, time is granted for filing affidavit-in-reply in M.A.

3. S.O. to 24.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**M.A.NO.195 OF 2021 IN O.A.ST.NO.727 OF 2021
(Pathan Maheeb Ahmed Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri S.N. Pawde, learned Advocate holding for Shri M.K. Bhosale, 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., one more last chance is granted for filing affidavit-in-reply on behalf of the respondents in M.A. failing which the matter will be heard without reply.

3. S.O. to 27.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**M.A.NO.231 OF 2021 IN O.A.ST.NO.782 OF 2021
(Raju T. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Shri S.P. Chate, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 27.06.2022 for taking necessary steps in respect of respondent No.3.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**M.A.NO.139 OF 2022 IN O.A.ST.NO.492 OF 2022
(Vinod V. Bandale Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave to delete the word "INTERIM" in the Original Application.
3. Leave as prayed for is granted. The applicant to carry out correction forthwith.
4. At the request of the learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent in M.A.
5. S.O. to 27.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**M.A.NO.318 OF 2020 IN O.A.ST.NO.1373 OF 2020
(Anil G. Lokhande Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

Shri A.B. Rajkar, learned Advocate for the applicant has filed **leave note**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 24.06.2022 for hearing.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

M.A.NO.101 OF 2020 IN O.A.NO.926 OF 2018
(Kishan P. Solunke @ Patil Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. This application is made seeking amendment in the Original Application.

3. The Original Application is filed challenging the order dated 15.11.2018 issued by the respondent No.4 thereby dismissing the applicant from the post of Police Patil of Village Yelnur, Taluka- Nilanga, Dist. Latur on the ground that the correct date of birth of the applicant is 05.03.1957 and not 05.03.1969 as claimed by the applicant.

4. It is contended that during pendency of this Original Application, the applicant filed proceeding before the Civil Judge (J.D.) for issuances of birth certificate and the same is granted to him mentioning the date of birth as 05.03.1969.

5. In the circumstances as above, it can be said that the proposed amendment is pertaining to subject matter involved in the Original Application and it is

//2//

M.A.101/2010 In
O.A.926/2018

not going to change the nature of Original Application. In fact the proposed amendment is just and necessary to determine the real question of controversy between the parties. Hence I proceed to pass following order:-

ORDER

- (i) The Misc. Application No.101/2020 in O.A.No.926/2018 is allowed.
- (ii) Amendment as prayed for is granted.
- (iii) The applicant to carry out the amendment within the period of 2 weeks from the date of this order and to serve the copy of amended O.A. on the other side.
- (iv) No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO.926 OF 2018
(Kishan P. Solunke @ Patil Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 23.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.430 OF 2021
(Dr. Prema B.Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri P.G. More, learned Advocate holding for Shri Sanjay N. Pagare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Pleadings are complete upto affidavit-in-rejoinder.
3. The matter is pertaining to Transfer. It is admitted and fixed for final hearing.
4. S.O to 29.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.3 OF 2021
(Sudhir S. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Deepak K. Rajput, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Pleadings are complete upto affidavit-in-rejoinder.
3. The matter is pertaining to minor punishment. It is admitted and fixed for final hearing.
4. S.O to 28.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.379 OF 2022
(Dr. Prakash R. Khande Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Smt. Supriya Bhilegaonkar-Bharaswadkar, learned Advocate holding for Shri M.B. Bharaswadkar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 23.06.2022.

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

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

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

//2//

O.A.No.379/22

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 23.06.2022.

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

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.378 OF 2022
(Kiran K. Waghule Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Shri Vijay C. Suradkar, learned Advocate for the applicant, is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 14.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.377 OF 2022
(Ratnadip M. Athwale Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Shri Vijay C. Suradkar, learned Advocate for the applicant, is **absent**. Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 14.06.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO.375 OF 2022
(Ramchandra E. Gundre Vs. State of Maharashtra & Ors.)**

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

DATE : 28.04.2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 09.06.2022.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2//

O.A.No.375/22

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 09.06.2022.

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

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.819 OF 2019
(Kalim Safdar Shiklidar Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Suresh Dhongde, learned Advocate holding for Shri Sabahat T. Kazi, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicant, S.O. to 05.05.2022.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

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

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

DATE : 28.04.2022

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 Smt. Preeti R. Wankhade, learned Advocate for the respondent No.4.

2. By consent of both the sides, S.O. to 04.05.2022 at 3.00 P.M.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

ORIGINAL APPLICATION NO.613 OF 2018
(Sonelben D. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 28.04.2022

ORAL ORDER :

Heard Shri Nitin S. Kadrale, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1 to 3 and Shri Avinash S. Deshmukh, learned Advocate for the respondent No.4.

2. By consent of both the sides, S.O. to 04.05.2022 at 3.00 P.M.

MEMBER (J)

SAS ORAL ORDERS 28.04.2022

**ORIGINAL APPLICATION NO. 763 OF 2021
(Sandip Wamanrao Khadse Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Heard Shri R.J. Nirmal along with Shri A.W. Khadse, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. In sum and substance it is the grievance of the applicant that the respondents could not have initiated the departmental enquiry against the applicant without conducting any preliminary enquiry. Another ground also raised is that some illegible documents are provided along with the statement of charge. Reliance is placed by the applicant on the Government Circular dated 22.6.2011 which contains the guidelines in respect of conducting departmental enquiry.

3. We have gone through the pleadings in the application, as well as, contents of the Circular dated 22.6.2011. It is nowhere prescribed that the preliminary enquiry will be mandatory for initiation of regular departmental enquiry. Secondly, if it is the contention of the applicant that some illegible documents are provided to

him, he can make a request to the enquiry officer and get legible copy from the enquiry officer and if it is not given to him the necessary consequence would follow. However, it does not appear to us that any case is made out for granting any relief as has been prayed in the O.A.

4. Learned Chief Presenting Officer has opposed for granting any relief and brought to the notice facts which we have referred to hereinabove. At this juncture, learned counsel submits that the departmental enquiry is pending against the present applicant since December, 2020 and only because the departmental enquiry is pending against the applicant his promotion has been withheld. The request is, therefore, made to direct the respondents to complete the departmental enquiry within a stipulated period. The prayer so made deserves to be considered. In the circumstances, the following order is passed: -

ORDER

(i) The Original Application stands dismissed being devoid of any merit.

(ii) The respondents are however, directed to complete the departmental enquiry pending against the applicant within the period of 90 days from the date of this order.

(iii) The applicant shall ensure that the enquiry proceedings are not delayed at his instance and shall give full cooperation to the enquiry officer for completing the departmental enquiry.

(iv) No order as to costs.

MEMBER (A)

ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 143 OF 2021
(Rahul Devidas Rathod Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Arguments are concluded. The matter is reserved for orders.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 474 OF 2018
(Prashant P. Vaidya Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Heard Shri Ajay Deshpande, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Arguments are concluded. The matter is reserved for orders.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 222 OF 2022
(Annasaheb M. Shinde & Ors. Vs. State of Maha. & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. On request made on behalf of learned Special counsel Shri Katneshwarkar, S.O. to 29.4.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1387 OF 2000
(Prayagbai G. Ghule Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that the papers are not available of the present file and has sought time to make submissions in the matter. Time granted.

3. S.O. to 5.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 681 OF 2019
(Damodhar G. Thengde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri M.B. Bharaswadkar, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 5.5.2022 for further consideration.

MEMBER (A)

ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 77 OF 2022
(Yogesh Vijay Patil Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Heard Shri Vinod P. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Application is allowed. No order as to costs.

MEMBER (A)

ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 299 OF 2022
(Varsha P. Mandale & Anr. Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri Vivek U. Rathod, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. Today, learned counsel for the applicants insisted for interim relief. The said request can be considered after filing of the affidavit in reply by the respondents.

3. S.O. to 8.6.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 152 OF 2020
(Avinash B. Londhe Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Ms. Poonam V. Bodke Patil, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer submits that instructions are received and the affidavit in reply will be filed in the next week.

3. S.O. to 4.5.2022 by way of last chance for filing affidavit in reply.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 95 OF 2022
(Vijay Uttamrao Kale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri G.M. Jadhav, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply. The request is opposed by the learned counsel for the applicant. In the interest of justice, time is granted by way of last chance till 8.6.2022. It is clarified that if the affidavit in reply is not filed, the matter will be heard on the same date without affidavit in reply of the respondents.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 381 OF 2022
(Manjushree S. Deokar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

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

2. The peculiar circumstances of the case are that applicant's result for departmental examination held in May, 2021 has already been withheld on the charge of indulging into copying from chits, and the applicant has been debarred from appearing in the examination for next 2 years. At the same time, departmental proceedings have been initiated against the applicant and a show cause notice has already been issued on 17.11.2021 and reply to the same has been submitted by the applicant on 10.12.2021 & 14.12.2021. The applicant has submitted that he is facing peril of not being able to appear for the next departmental examination which may take place early next year and that he may suffer irreparable loss even if he is exonerated in the departmental proceedings, if not allowed to appear in the next examination.

3. Learned P.O. seeks time to respond by filing affidavit in reply.

4. In view of the above facts, in the interest of justice, respondents should complete the departmental proceedings as early as possible, pending the same applicant shall be permitted to appear in the next departmental examination to be held in this year 2022. However, result of which shall be declared depending on the outcome of the departmental proceedings. The applicant is expected to co-operate in the departmental enquiry and any contributory delay will adversely affect the applicant.

5. With these directions, respondents are required to submit affidavit in reply.

6. In the meantime, issue notices to the respondents, returnable on 23.06.2022.

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

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

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

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

11. S.O. to 23.06.2022.

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

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 137 OF 2022
(Abhijit V. Bhapkar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned counsel for the applicant has filed leave note. Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 11.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 151 OF 2022
(Chhaban V. Kulkarni Vs. State of Maharashtra & Ors.)**

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri S.K. Mathpathi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 11.7.2022.

MEMBER (A)

ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 152 OF 2022
(Duryodhan S. Wankhede Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri S.K. Mathpathi, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 11.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 195 OF 2022
(Yohan S. Sarode Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri P.G. Tambade, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 11.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

M.A.NO. 138/2019 IN O.A.NO. 805/2017
(Dr. Vanita N. Puri Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri Vishnu Dhoble, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri Avinash S. Deshmukh, learned counsel for respondent No. 4 in O.A. No. 805/2017.

2. Learned Chief Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 12.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

M.A.NO. 277/2019 IN O.A.ST.NO. 9/2019
(Kishan E. Vibhute & Ors. Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri A.D. Kaware, learned counsel for the applicants (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present. Shri D.P. Bakshi, learned counsel for respondent No. 7 in O.A. St. 9/2019.

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

3. S.O. to 12.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**M.A.NO. 534/2019 IN O.A.ST.NO. 2024/2019
(Subhash B. Selukar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri R.P. Bhumkar, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Second set is not filed.

3. S.O. to 5.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

M.A.NO. 5/2021 IN O.A.ST.NO. 778/2020
(Shridhar R. Kundatwad Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri R.D. Biradar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. Await service.
3. S.O. to 5.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**M.A.NO. 301/2021 IN O.A.ST.NO. 1279/2021
(Dr. Eknath D. Male Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 6.7.2022.

MEMBER (A)

ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**M.A.NO. 140/2022 IN O.A.ST.NO. 494/2022
(Vinod V. Bandale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri S.B. Jadhav, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

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

3. S.O. to 8.7.2022.

MEMBER (A)

ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 122 OF 2021
(Mohan B. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri S.N. Pawade, learned counsel holding for Shri M.K. Bhosale, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 11.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 148 OF 2021
(Dattaram U. Rathod Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 28.6.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 212 OF 2021
(Dr. Rahul P. WaghmareVs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 21.6.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 213 OF 2021
(Dr. Ashok S. Dhumal Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 21.6.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 329 OF 2021
(Somnath A. Gaikwad Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri Ashish B. Rajkar, learned counsel for the applicant has filed leave note. Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 12.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 392 OF 2021
(Pravin R. Hivrale & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri Sandeep Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 4.5.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 518 OF 2021
(Asmita M. Kekan & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri A.V. Thombre, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 29.4.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 676 OF 2021
(Navnath J. Kachare Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri A.B. Rajkar, learned counsel for the applicant has filed leave note. Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 5 and Shri A.D. Gadekar, learned counsel for respondent No. 6, are present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 12.7.2022.

MEMBER (A)

ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 727 OF 2021
(Dipak D. Joshi & Ors. Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri Asif Ali, learned counsel holding for Smt. A.N. Ansari, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 11.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 758 OF 2021
(Sahas A. Pathak Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri Rahul O Awasarmal, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents, are present.

2. S.O. to 6.7.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 759 OF 2021
(Ashwini A. Wavhal & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 28.4.2022

ORAL ORDER :

Shri A.V. Thombre, learned counsel for the applicant and Smt. Sanjivani Deshmukh, learned Presenting Officer for the respondents, are present.

2. S.O. to 30.6.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 283 OF 2022
(Suresh V. Thormote Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 28.4.2022

ORAL ORDER :

Shri R.R. Kakani, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. S.O. to 9.6.2022.

MEMBER (A)
ORAL ORDERS 28.4.2022-HDD

VICE CHAIRMAN

CHAMBER APPEAL NO. 10 OF 2022
(Krishna B. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : JUSTICE P.R. BORA, VICE CHAIRMAN

DATE : 28.4.2022

ORAL ORDER :

Heard Shri A.D. Gawale, learned Advocate for the applicant.

2. Vide order dated 06.04.2022 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 04.03.2022 the office has raised the following office objections:-

- 1) Jurisdiction and limitation clause is not properly explained.
- 2) In view of rejection order of respondents dated 17.10.2019, the O.A. appears to be barred by limitation.

3. Vide office note dated 04.04.2022 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objections are not removed.

4. The learned Advocate for the applicant appeared today. He undertakes to remove the office objections within reasonable period.

:: - 2 - :: CHAMBER APPEAL NO. 10 OF 2022

5. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objections in spite of repeated chances. The fact that O.A. is filed for seeking benefit of compassionate appointment and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

- (i) The Chamber Appeal No. 10/2022 is allowed as the applicant undertakes to remove the office objections within a reasonable period.
- (ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. after removing the office objections by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

VICE CHAIRMAN

ORAL ORDERS 28.4.2022-HDD

CHAMBER APPEAL NO. 9 OF 2022
(Vishwas Raosaheb Nimbalkar Vs. State of Maharashtra & Ors.)

CORAM : JUSTICE P.R. BORA, VICE CHAIRMAN

DATE : 28.4.2022

ORAL ORDER :

Heard Shri A.V. Sakolkar, learned Advocate for the applicant.

2. Vide order dated 09.02.2022 the Registrar of this Tribunal was pleased to refuse the registration under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 22.07.2021 the office has raised the following office objections:-

1) In view of prayer clause "B" O.A. appears to be barred by limitation.

3. Vide office note dated 01.02.2022 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objection is not removed.

4. The applicant has made prayer for condonation of delay of about 18 days caused in filing Chamber Appeal No. 9/2022.

5. The learned Advocate for the applicant appeared today. He undertakes to remove the office objection within reasonable period.

:: - 2 - :: CHAMBER APPEAL NO. 9 OF 2022

6. Technically, the Registrar was right in refusing the registration since nobody appeared for the applicant in view of the objection in spite of repeated chances. The fact that O.A. is filed for seeking benefit of deemed date of promotion & pensionary benefits and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

(i) Delay caused in filing Chamber Appeal stands condoned. Consequently, the Chamber Appeal No. 9/2022 is allowed as the applicant undertakes to remove the office objections within a reasonable period.

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. after removing the office objection by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

VICE CHAIRMAN

REV. ST. 211/2022 IN O.A.NO. 490/2021
(Ninad S/o Ashokrao Lande Vs. State of Maharashtra & Ors.)

CORAM : **Hon'ble Justice Shri P.R. Bora,**
Vice Chairman
AND
Hon'ble Shri Bijay Kumar, Member (A)

DATE : **28.4.2022**

ORAL ORDER :

Heard Shri H.H. Padalkar, learned counsel for the petitioner, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Avinash Khedkar, learned counsel for respondent Nos. 4 & 5 / applicants in O.A. No. 490/2021.

2. When the matter is taken up for consideration, learned counsel Shri Avinash Khedkar appearing for respondent Nos. 5 & 6 informs that in the meanwhile period respondent No. 5 has expired.

3. The applicant has sought review of the order passed by this Tribunal in O.A. No. 490/2021 on 25.11.2021. Brief order was passed which is reproduced herein below: -

"2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicants.

3. Learned Advocate for the applicants submits that in view of the averments in para 5 of the affidavit in reply of the respondents, the present O.A. can be disposed of. He further submits that he is restricting the prayer of O.A. only to the extent that, if the present applicants are eligible for promotion to the post of Technical Officer, they may be considered for the said promotion in view of the seniority list published vide Government Notification dated 31.8.2018.

4. In view of the above submissions made by the learned Advocate for the applicants, the present Original Application stands disposed of with a direction to the respondents that they shall consider the claim of the applicants for promotion to the post of Technical Officer in view of the seniority list published vide Notification dated 31.8.2018, if they are fit in all respect. This order shall be complied with by the respondents within a period of 2 months from the date of this order. There shall be no order as to costs."

4. It is the contention of the learned counsel appearing for the review petitioner that the petitioner being aggrieved with the said order has right to seek review of the said order though he was not party to the aforesaid O.A. This issue was also considered at the time of issuance of notices and the review petition was held maintainable and notices were issued.

5. Learned counsel has sought review of the order mainly on the ground that vide circular dated 3.11.2018,

the employees working on the establishment of Food and Civil Supply Department are given precedence in getting promotional post over the employees working in the Revenue Department though both the departments are under supervision of the District Collector. Learned counsel has also placed on record the seniority list dated 12.2.2020. Learned counsel submitted that the review petitioner has better claim than the applicants in O.A. No. 490/2021 on the post of Technical Officer, he being working under the Food & Civil Supply Department. According to the learned counsel for the review petitioner, had been the aforesaid fact brought on record by the State authorities and Circular dated 3.11.2018 been produced on record, the Tribunal may not have passed the impugned order. The learned counsel, therefore, prayed for allowing the Review Petition.

6. Learned counsel Shri Avinash Khedkar appearing for respondent Nos. 4 & 5 has opposed the submissions made by the learned counsel for the review petitioner. Learned Presenting Officer appearing for respondent authorities has also opposed the said submissions.

7. Learned counsel Shri Avinash Khedkar submitted that the O.A. No. 490/2021 has been disposed of with the relief as given in the said matter on the basis of the submissions in paragraph No. 5 of the affidavit in reply

submitted on behalf of the respondents. Learned counsel pointed out the seniority list has been published of the officers, who are under the zone of consideration for the promotion of Technical Officer. Learned counsel further pointed out that the Circular, which has been relied upon by the review petitioner is only in respect of for fixing of the roster point and taking certain posts on the establishment of Food & Civil Supply Department.

8. We have carefully gone through the pleadings of the parties, as well as, the documents filed on record. The contention of the learned counsel appearing for the review petitioner that for promotion to the post of Technical Officer in the department of Food Civil Supplies and Consumer Protection, the employees on the establishment of Food & Civil Supplies only were entitled is based on the Government Circulars dated 3.4.1997 and 3.11.2018. We have perused both the Circulars. None of the said Circulars can be interpreted to mean that the employees on the establishment of Food & Civil Supplies only can be promoted to the post of Technical Officer. As was rightly pointed out by the learned counsel for the original applicants G.R. dated 3.4.1997 is in respect of filling in the Group-C and Group-D posts sanctioned for the purpose of food supply and for creating separate establishment for the Food & Civil Supplies Department. In the said Circular

there is no reference in respect of the post of Technical Officer, whereas Circular dated 3.11.2018 is for preparation of roster of the employees working in the Civil Supplies Department. The learned counsel for the review petitioner has also referred to the seniority list published on 12.2.2020 to support his contention that said was a separate seniority list of the Officers working under the department of Food & Civil Supplies and the post of Technical Officer was to be filled in from the said officers. The learned counsel for the original applicants has brought to our notice that said seniority list has been cancelled. The learned counsel also brought to our notice that the list of the Officers, who are in the zone of consideration for promotion to the post of Technical Officer has been published on 31.8.2018 and in the said list name of both the original applicants are included.

9. After having considered the material on record, it does not appear to us that any error much less any error apparent on the face of record has occurred in passing order in O.A. No. 490/2021. The Review Petition is devoid of any substance and deserves to be dismissed and is accordingly dismissed without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

