

ORIGINAL APPLICATION NO. 780 OF 2021
(Dr. Gajanan A. Surwade Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities finally with consent at admission stage.

2. By filing this Original Application the applicant is seeking declaration that he is entitled for regularization of his services on the post of Associate Professor (Medicine) w.e.f. 14.07.2004 to 22.08.2013 and further to extend all the consequential benefits to which he is entitled. The applicant is also seeking direction to the respondent authorities to condone the technical break given to him while working on the post of Associate Professor (Medicine) and further to take the decision in respect of the regularization of his ad-hoc promotion and also to extend all the consequential benefits.

3. Learned counsel for the applicant submits that in this context the applicant has submitted an

//2// O.A. 780/2021

application/representation dated 26.02.2021 to Dean, Government Medical College and Hospital, Aurangabad, who in turn has forwarded the same to the respondent No.2 i.e. Director, Medical Education and Research Department, Mumbai by communication dated 09.03.2021 and 07.04.2021 respectively.

4. Meanwhile, the applicant came to be retired from service on attaining the age of superannuation. However, the said representation is yet not decided.

5. Learned counsel for the applicant submits that the Government has issued the G.R. dated 08.11.2023 thereby condoned the break in service of the medical officers holding various post in the State of Maharashtra in terms of the order passed by the Maharashtra Administrative Tribunal, Principal seat at Mumbai.

6. Learned counsel for the applicant submits that since the said application/representation is not decided by the respondent authorities, the purpose of filing this Original Application would be served, if

//3// O.A. 780/2021

the directions are given to decide the same in terms of the said G.R. dated 08.11.2023 in a time bound manner.

7. Learned Presenting Officer submits that the respondent authorities may be given liberty to decide the said application/representation, if it is not decided so far, on its own merits.

8. In view of above and since there is a G.R. dated 08.11.2023 in connection with the issue raised in this O.A., the directions can be given to the respondent authorities to decide the application/representation submitted by the applicant in a time bound manner on its own merits. Hence, the following order:-

ORDER

- (A) The Original Application is hereby partly allowed.
- (B) The respondent Nos. 1 & 2 are hereby directed to decide application /representation of the applicant dated 26.02.2021 and proposal dated 09.03.2021 and 07.04.2021 submitted by

//4// O.A. 780/2021

the Dean, Government Medical College, Aurangabad to the respondent No.2 as expeditiously as possible, preferably within the period of three months from the date of this order on its own merits in terms of G.R. dated 08.11.2023 as far as possible.

- (C) In case of any adverse order is passed on the application/representation, the applicant would be at liberty to approach this Tribunal again.
- (D) In the circumstances, there shall be no order as to costs.
- (E) The Original Application is accordingly disposed of.

MEMBER (J)

**M.A. No. 46/2024 in O.A. St. No. 154/2024
(Vasant S. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

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

2. There is a delay of 1 year and 5 days caused in filing the accompanying Original Application.

3. The applicant is serving as Head Constable and on account of punishment inflicted on him stopping his next yearly increments for three years by order dated 11.09.2019 passed by respondent No. 4, the applicant has preferred departmental appeal and the respondent No. 3 has dismissed the said appeal on 19.06.2020. Thereafter, the applicant has preferred revision and the respondent No. 2 has dismissed the said revision by order dated 18.01.2022 confirming thereby the order passed by respondent No. 4.

4. Learned counsel for the applicant submits that thereafter the applicant has filed second revision

//2// M.A. 46/2024 in
O.A. St. 154/2024

under wrong advice before the State Government on 29.11.2022. However, the Home Department, Maharashtra State has informed to respondent No. 4 by communication dated 02.03.2023 that second revision of the applicant is not maintainable before the State Government and accordingly the respondent No. 3 has informed this fact to the office of respondent No. 4 vide order dated 11.04.2023 and in turn finally respondent No. 4 has informed to the applicant by communication dated 09.05.2023. Learned counsel submits that the applicant has not deliberately chosen to file the said second revision before the State Government. It was a bona-fide mistake. Learned counsel submits that the time spent in pursuing the said second revision is required to be condoned in terms of the provisions of Section 14 of the Limitation Act, 1963 and if that is so, there is no delay as such. Learned counsel submits that there is no intentional or deliberate delay and the applicant is prevented from sufficient cause to approach this Tribunal within stipulated time.

//3// M.A. 46/2024 in
O.A. St. 154/2024

5. Learned Presenting Officer submits that there is an inordinate delay caused in filing the accompanying Original Application. The applicant is not entitled to invoke the provisions of Section 14 of the Limitation Act, 1963, as the applicant has voluntarily preferred second revision before the State Government. There is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be rejected.

6. It appears that after the first revision was decided by the revisional authority i.e. respondent No. 2 on 18.01.2022, the applicant has filed second revision on 29.11.2022 before the State Government with a belief that his second revision will be considered on merits and ultimately he will get the justice. However, finally by communication dated 09.05.2023 the applicant was informed that the second revision before the State Government is not maintainable. In view of the same, I am agree with the submissions made on behalf of the applicant that the applicant is entitled to consider the time spent for pursuing the second revision preferred wrongly before the Home Department. Thus

//4// M.A. 46/2024 in
O.A. St. 154/2024

considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of costs by the applicant. Hence, the following order :-

ORDER

- (i) The Misc. Application No. 46/2024 is hereby allowed.
- (ii) The delay of 1 year and 5 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 500/- (Five Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.
- (iv) The M.A. accordingly disposed of.

MEMBER (J)

O.A. St. No. 154/2024
(Vasant S. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. After registration, issue notices to the respondents, returnable on 09.09.2024.

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

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

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

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

7. S.O. to 09.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 439/2024
(Dinesh Khonde Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Smt. Yugandhara Namde, learned counsel holding for Shri Abhijit Namde, learned counsel for respondent no. 2, are present.

2. The matter is not on Board. Taken on Board. Learned counsel appearing for respondent no. 02 seeks leave to place on record notes of submissions and one document i.e. notings of one submission made with the Government. Learned counsel for the applicant submitted that, if the document is so crucial according to respondent no. 02, the same must have been placed on record earlier. However, he submits for taking on record such documents. Learned C.P.O. also submits for taking on record such documents. Notes of arguments are permitted to be placed on record along with one document.

3. The matter is already closed for orders.

MEMBER (A)

VICE CHAIRMAN

M.A. ST. NO. 229/2024 IN O.A. NO. 177/2024
(The State of Maharashtra & Ors. Vs. Gajendra R. Vasmatkar & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 28.06.2024

ORAL ORDER :

Shri M.S. Mahajan, learned special counsel for the applicants in present M.A./respondent authorities in O.A. and Shri Ajay S. Deshande, learned counsel for respondents in M.A./applicants in O.A., are present.

2. S.O. to 05.07.2024. **In the Original Application, the position as on 13.06.2024 be maintained till the next date.**

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 28.06.2024

M.A. NO. 124/2024 WITH M.A. 69/2024 IN O.A. 1048/2023

(Muladharan Prkalpagrasth Kruti Samiti, Ahmednagar through its Secretary Maruti S. Bachkar Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 28.06.2024

ORAL ORDER :

Shri Pratik Talwar, learned counsel holding for Shri A.B. Kale, learned counsel for the applicant in M.A. No. 124/2024 & O.A. No. 1048/2024, Shri B.R. Survase, learned counsel for the applicants in M.A.. No. 69/2024 and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 03.07.2024. Interim Relief granted earlier in O.A. to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 142/2023
(Deelipkumar B. Khedkar Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri A.N. Nagargoje, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.07.2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO.673/2024
(Satish S. Kulkarni Vs. State of Maharashtra & Ors.)
WITH
M.A.ST.NO.297/2024 IN O.A.ST.NO.259/2024
(Sharad D. Khatke & Ors. V/s. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri S.D.Joshi, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities.

2. When the present matters are taken up for consideration after having heard learned Counsel appearing for the applicant and learned PO, it is revealed that the applicant no.4 in O.A.No.259/2024, has filed one more O.A. bearing No.673/2024 and is seeking interim order therein.

3. When O.A.No.259/2024 is pending, it appears to us that, the applicant no.4 therein should not have filed another O.A. substantially on the same ground though he is seeking some urgent interim relief therein. In the circumstances, O.A.No.673/2024 as filed by the present applicant shall be treated as M.A. filed in O.A.No.259/2024.

=2=

Learned Counsel for the applicant shall get done the necessary compliance in the Registry.

4. It is the contention of the applicant that the enquiry which is being conducted against him is based on 4 charges containing in the statement of charge served upon him alongwith memorandum dated 19-08-2022. Learned Counsel pointed out that in view of the judgment delivered by the Hon'ble Bombay High in Writ Petition No.2111/2022 decided on 05-05-2022, the said charges have become redundant. Learned Counsel has pointed out that Rule 44(1)(i) of the Maharashtra Registration Rules, 1961 is read down by the Division Bench of the Hon'ble High Court in the aforesaid Writ Petition and it is declared that the same would not be applicable.

5. Learned Counsel further pointed out that in so far as the 4th charge is concerned, no enquiry can be conducted even in respect of the said charge in view of the report submitted by the officer from the same department in respect of that charge. Learned Counsel pointed out the said report (paper book

=3=

page 33) submitted by the In-charge Joint Sub Registrar, Haweli-06, Pune.

6. Learned Counsel submitted that the applicant is in the zone of promotion and the respondents are bent upon not to promote him. Learned Counsel pointed out that in the O.A.No.115/2023 after this Tribunal passed an order thereby directing the respondents to consider the case of the applicants by opening the sealed cover containing recommendations in respect of him, instead of implementing the said order enquiry proceedings have been expected only against the present applicant and hurriedly enquiry is being completed. Learned Counsel submitted that, having considered the conduct of the respondents, there is every apprehension that in the enquiry proceedings though there is no possibility of proving of charge against the applicant, he is likely to be held guilty and on that pretext he is not likely to be considered for promotion in the coming meeting of Departmental Promotion Committee (DPC). Learned Counsel submitted that in any case, the respondents are required to be restrained from

=4=

concluding the enquiry against the applicant. Learned Counsel, therefore, prayed for such directions against the respondents.

7. Shri Bhumkar, learned P.O. appearing for the respondent authorities opposed for granting any such relief. Learned P.O. submitted that when the enquiry proceedings are almost completed, they must be allowed to reach their logical conclusions and the applicant cannot negatively apprehend that he is likely to be held guilty in the said enquiry. Learned P.O. has submitted that no case is made out for accepting the request of the applicant for interim relief.

8. After having considered the submissions made on behalf of the applicant and the learned P.O. and on perusal of the documents placed on record, we see *prima facie* substance in the contention raised on behalf of the applicant. It prominently appears from the documents that though similar enquiries are initiated against other employees who are applicants in O.A.No.259/2024, on the similar charges, the enquiry is being separately proceeded only against the present applicant. There further

=5=

appears prima facie substance in the arguments made by the learned Counsel for the applicant that so far as charge in respect of violation of Rule 44(1)(i) of the Maharashtra Registration Rules, 1961 is concerned, the same has become redundant in view of the aforesaid judgment delivered by the Hon'ble High Court in Writ Petition No.2111/2022 on 05-05-2022.

9. Learned P.O. at this juncture pointed out that the said decision is challenged before the Hon'ble Supreme Court. However, nothing has been produced on record by the learned P.O. showing that any interim order has been passed in the said matter. It further appears to us that, in view of the report submitted by the In-Charge Joint Sub Registrar, Haweli-06, Pune, *prima facie*, there appears no reason for proceeding against the applicant in so far as charge no.4 is concerned.

10. In the above circumstances, we are inclined to pass the following order:

ORDER

(i) Issue notice to the respondents, returnable on 25.07.2024.

=6=

(ii) The respondent no.2 is directed not to proceed further in the departmental enquiry initiated against the present applicant until further orders.

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

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

(vii) S.O. to 25.07.2024.

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

MEMBER (A)

YUK ORAL ORDER 28.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.393/2024
(Dr. Shaikh Wahab s/o. Ayub Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 28.06.2024

ORAL ORDER :

Heard Shri Kalidas B. Bhise, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for respondent authorities.

2. In the present matter due to paucity of time, the matter could not be heard though the learned Counsel appearing for the applicant was insisting for interim relief. Learned Counsel pointed out that, the period of appointment of the applicant will expire tomorrow and if no interim order is passed, he is likely to be discontinued.

3. As mentioned above, the present matter could not be heard due to paucity of time. In the circumstances, we deem it appropriate to pass the following order:

ORDER

Respondents shall show cause why the interim relief prayed for by the applicant shall not be granted in his favour, by 05-07-2024. Till then, the applicant shall not be discontinued.

4. S.O. to 05-07-2024. Steno copy granted.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.665/2024
(Dr. Shamla D. Sude Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned Counsel for applicant submits that in identical matters this Tribunal has passed the interim order and one of such order passed in O.A.No.408/2024 is placed on record. Having considered the facts involved in the present matter, which are identical, as submitted by the learned Counsel, with the facts involved in the aforesaid O.A.No.408/2024, we are inclined to pass similar order in the present matter also. Hence, the following order: -

ORDER

(i) Issue notice to the respondents, returnable on 30.07.2024.

(ii) The respondents shall continue the present applicant in service till 31.05.2025 or till decision in the present OA., whichever occurs earlier.

(iii) We make it clear that the continuation of the present applicant till 31.05.2025 will be subject to the outcome of the present O.A. The question of the

Respondents' power, in case the applicant fails in her challenge, to pass necessary orders in respect of recovery/adjustment of the pay/wages paid to her for the services rendered under the interim order, is kept open. Similarly, the question of continuation of the applicant beyond 31.05.2025 till she attains the age of 60 years, is also kept open.

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

(v) 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.

(vi) 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.

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

(viii) S.O. to 30.07.2024.

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

MEMBER (A)

YUK ORAL ORDER 28.06.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 702 OF 2023
(Pralhad K. Ugale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri S.A. Nagarsoge, learned counsel for the applicants, Shri D.M. Hange, learned Presenting Officer for the respondent authorities, Smt. Jayshree Gite, learned counsel for respondent No. 9 and Shri A.D. Aghav, learned counsel for respondent No. 14, are present. Shri U.S. Mote, learned counsel for respondent No. 8, Shri Pradeep Shahane, learned counsel for respondent No. 10 and Shri Y.T. Kshirsagar, learned counsel for respondent No. 11, are **absent**.

2. At the request of learned counsel for the applicants, S.O. to 09.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 73 OF 2024
(Dipak N. Dongare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicants, S.O. to 08.08.2024 for hearing.

MEMBER (J)

M.A. No. 246/2024 in O.A. No. 540/2019
(The Maharashtra State Gazetted Veterinary Officers Union
through its Vice President Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri P.R. Tandale, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.08.2024 for final hearing.

MEMBER (J)

KPB ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 307 OF 2022
(Chandrabhan V. Veer Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 13.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 420 OF 2023
(Mamta S. Vispute Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Smt. Archana Pawar, learned counsel for respondent No. 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 13.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 580 OF 2023
(Nilkant P. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

3. S.O. to 14.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 576 OF 2023
(Dinesh S. Thakur Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

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

3. S.O. to 19.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1024 OF 2023
(Pawan S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 19.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 348 OF 2024
(Shubham W. Ramasane Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Ms. Vishakha Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri A.A. Khande, learned counsel for respondent No. 4, are present.

2. Learned Presenting Officer submits that during the course of the day affidavit in reply will be filed.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 25.07.2024.

MEMBER (J)

M.A. No. 39/2024 in O.A. St. No. 221/2024
(Ravindra V. Pathak Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 761 OF 2019
(Vitthal G. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri Siddarth Shinde, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that during pendency of the present Original Application the applicant died. Learned counsel thus seeks time to take appropriate steps in the matter. Time granted.

3. S.O. to 20.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 931 OF 2023
(Dasrao T. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri Rahul Shimre, learned counsel holding for Shri R.K. Ashtekar, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply.

3. S.O. to 12.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 299 OF 2024
(Ramesh M. Ade Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned counsel Shri V.B. Dhage, submits that he has instructions to appear on behalf of respondent No. 3 and thus seeks time to file affidavit in reply. Time granted as a last chance.
3. S.O. to 12.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 467 OF 2024
(Rangnath B. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 8. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. At the request of learned Presenting Officer, S.O. to 19.07.2024 for filing affidavit in reply on behalf of respondent Nos. 1 to 7.

MEMBER (J)

M.A. No. 205/2023 in O.A. No. 698/2022
(Ahmed Khan Inyat Khan Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri G.N. Kulkarni, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof is given to other side.
3. List the matter for hearing on 12.07.2024.

MEMBER (J)

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

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

DATE : 28.06.2024

ORAL ORDER :

Shri Raviraj Wakle, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 to 5. Same is taken on record along with spare copy for the applicant.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 30.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1093 OF 2023
(Rajeev U. Saxena Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 and 2. Same is taken on record and copy thereof is given to learned counsel for the applicant. Learned P.O. submits that the respondent No. 3 is adopting the affidavit in reply filed on behalf of respondent Nos. 1 and 2.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 09.08.2024.

MEMBER (J)

O.A. Nos. 531, 554, 557, 582, 632, 830 & 832 all of 2023

(Dr. Manohar K. Shelake & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

S/shri S.B. Patil, J.B. Choudhary & M.R. Kulkarni, learned counsel for the applicants in respective O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. Learned counsel for the applicants submits that in the identical matter from the same department pending before the Principal Seat of this Tribunal at Mumbai, at the request of learned C.P.O. the aforesaid matter is now posted after 08.07.2024 for instructions.

3. In view of above, S.O. to 15.07.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

O.A. No. 44 OF 2023 with Caveat No. 03/2023
(Prashant B. Kachhawa Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. The present matter was reserved for orders on 10.06.2024. However, at the request of learned Chief Presenting Officer in terms of circulation note, the present matter is taken up on today's board.

3. Learned Chief Presenting Officer submits pursis along with certain documents, which are necessary for the just disposal of the present O.A. Same is taken on record and copy thereof is given to learned counsel for the applicant.

4. Learned counsel appearing for the applicant has no objection for the said production and so far as the Assembly Business Rules, on which the learned C.P.O. placed his reliance, learned counsel admits the same.

5. Learned counsel however submits that in the instant matter the issue discussed before the Assembly was altogether different and the reasons given in the charge-sheet and the suspension order are totally different.

6. The present matter is reserved for orders.

MEMBER (J)

T.A. No. 11/2024 (W.P. No. 1563/2024)
(Raju A. Sanap & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Smt. Sunita G. Sonawane, learned counsel for the applicants (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Even though the circulation is sought, none present for the applicant.

3. As none present for the applicants, S.O. to 26.07.2024.

MEMBER (J)

KPB ORAL ORDER 28.06.2024

**MA 76/2024 in MA 522/2022 in OA St. 951/2022
(Pratik S. Dube Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri Gorakhnath Kendre, learned counsel holding for Shri J.M. Murkute, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The present Misc. Application is filed for setting aside the order dated 05.02.2024 passed in M.A. No. 522/2022 in O.A. St. No. 951/2022 and to restore the same on its original position.

3. By order dated 05.02.2024, this Tribunal has dismissed M.A. No. 522/2022 in O.A. St. No. 951/2022 for the reason that on several dates the applicant and his counsel remained absent. There is a delay of 14 years and some odd months caused in filing the accompanying O.A. and this M.A. seeking condonation of delay is pending since long.

4. Learned counsel for the applicant has assured the Tribunal that on the next date of hearing the matter will be worked out, if it is restored.

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5. In view of above and for the reasons stated in the application, I am inclined to restore the M.A. No. 522/2022 in O.A. St. No. 951/2022 subject to payment of costs by the applicant. Hence, the following order :-

ORDER

- (i) M.A. No. 76/2024 is hereby allowed.
- (ii) The M.A. No. 522/2022 in O.A. St. No. 951/2022 is restored to its original position by setting aside the order dated 05.02.2024 subject to payment of costs of Rs. 500/- (Rs. Five Hundred Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) Upon satisfaction of the costs as above, the O.A. be taken up for hearing on 05.08.2024.
- (iv) M.A. No. 76/2024 is accordingly disposed of.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 434 OF 2024
(Bhagwat M. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri H.P. Randhir, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Even though the circulation is sought, none present for the applicant.

3. S.O. to 26.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 495 OF 2024
(Shashikant M. Ghoshir Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 05.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 606 OF 2024
(Maruti B. Garote Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 31.07.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 31.07.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 653 OF 2024
(Jagannath D. Barse Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 05.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 514 OF 2021
(Gautam G. Dhule Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Both the sides have submitted written notes of arguments.
3. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 1142 OF 2022
(Maya B. Chabukswar Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 15.07.2024 for further hearing.

MEMBER (J)

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

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

DATE : 28.06.2024

ORAL ORDER :

Shri D.B. Thoke, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Though the present matter is part heard, none present for the applicant. S.O. to 29.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 597 OF 2023
(Ashish N. Hiware Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer has placed before this Tribunal certain documents indicating that information about the suspension of the applicant by order dated 16.06.2023 came to be forwarded to the competent authority i.e. the respondent No. 1 by speed post on 19.06.2023. The suspension order passed on Friday 16.06.2023 and accordingly on the next working day i.e. on 19.06.2023, the said information came to be submitted to respondent No. 1.

3. Learned counsel for the applicant submits that the applicant has obtained the information under Right to Information Act, 2005 through one another person Shri Rahul Ganeshrao Wankhade and accordingly the office of respondent No. 1 by

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O.A. No. 597/2023

communication dated 29.08.2023 informed that the said communication about the suspension of the applicant was received by the office of respondent No. 1 on 29.08.2023. It is very unlikely that the information forwarded to respondent No. 1 by speed post would be received after gap of more than two months.

4. Learned P.O. thus seeks time to file additional affidavit to that extent. Time granted.

5. It is a part heard matter. S.O. to 15.07.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 28.06.2024

M.A. No. 529/2019 in O.A. St. No. 1650/2019
(Gurunath S. Purohit @ Bhatt Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 28.06.2024

M.A. No. 42/2023 in O.A. St. No. 3055/2022
(Sudheer S. Bendke Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri S.U. Shaikh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. There is a delay of 7 years, 11 months and 15 days caused in filing the accompanying O.A.

3. Learned counsel for the applicant is directed to place on record the synopsis of events to explain the delay.

4. S.O. to 12.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 28.06.2024

M.A. No. 85/2023 in O.A. St. No. 261/2023
(Ganesh M. Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri S.S. Tandale, learned counsel holding for Shri B.R. Kedar, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri Mayur Subhedar, learned counsel holding for Shri H.S. Bali, learned counsel for respondent No. 4, are present.

2. I have heard the learned counsel for the applicant for some time.

3. Learned counsel for the applicant seeks time to place on record the medical papers pertaining to ill-health of his mother during the period when the applicant has raised an objection about the selection and appointment of respondent No. 4 as Kotwal. Time granted.

4. S.O. to 16.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 76 OF 2020
(Shantabai G. Kulkarni through Lrs. Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri R.B. Deshmukh, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 13.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 491 OF 2021
(Bhagwan S. Naik Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri Vijay Deshmukh, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 13.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 524 OF 2021
(Hanumant R. Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant is a retired employee and still he has not received the pensionary benefits. Learned counsel submits that the pensionary benefits of the applicant have been withheld by the department solely on the ground of pendency of judicial proceedings. Learned counsel submits that in connection with the said judicial proceedings, though the 'B' Summary was submitted before the Court, the learned Sessions Court has rejected the 'B' Summary and being aggrieved by the same, the applicant has approached to the Hon'ble High Court of Bombay, Bench at Aurangabad. The Hon'ble High Court of Bombay, Bench at Aurangabad has partly allowed the said W.P. and remitted the matter to the Trial Court. However, even thereafter the learned

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O.A. No. 524/2021

Sessions Judge has rejected the 'B' Summary report. Learned counsel submits that being aggrieved by the same, the applicant has approached to the Hon'ble High Court of Bombay, Bench at Aurangabad by filing W.P., which is still pending. Learned counsel submits that the said W.P. would be taken up for hearing in near future. Learned counsel, thus seeks time. Time granted.

3. S.O. to 04.09.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 233 OF 2022
(Sudhakar Y. Dandge Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent Nos. 1 to 3. Leave granted. The affidavit in reply of respondent Nos. 1 to 3 is accepted and copy thereof is given to other side.

3. Learned counsel for the applicant seeks time to go through the same and file rejoinder, if so required. Time granted.

4. S.O. to 08.08.2024 for filing affidavit in rejoinder and for admission hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 455 OF 2022
(Satilal Z. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned P.O., S.O. to 08.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 28.06.2024

**ORIGINAL APPLICATION NO. 668 OF 2022
(Kishor C. Koli Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri P.B. Salunke, learned counsel holding for Shri V.G. Salgare, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Heard both the sides for some time.
3. Learned counsel for the applicant submits affidavit in rejoinder on behalf of applicant. The same is taken on record and copy thereof is given to other side.
4. Learned P.O. seeks time to place on record the copy of G.R. dated 20.05.2010. Time granted.
5. Learned counsel for the applicant submits that he would also try to get the said G.R.
6. S.O. to 19.07.2024 for hearing in **urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 129 OF 2023
(Abhay P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. It appears that despite the specific order dated 10.05.2024, the applicant has not been paid the provisional pension for the remaining period.

3. Though there is a specific order directing the respondent No.6 to remain present personally, the respondent No.6 has sent Naib Tahasildar of the office.

4. Learned Presenting Officer is directed keep the respondent No.6 i.e. Tahasildar, Kannad present before this Tribunal in person on the next date otherwise consequences would follow.

5. S.O. to 02.07.2024 for hearing.

6. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the concerned respondent.

MEMBER (J)

ORIGINAL APPLICATION NO. 197 OF 2023
(Dnyanoba L. Dahiphale Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.B. Solanke, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the copy of reply is yet not received.

3. Learned P.O. assures this Tribunal that the same will be supplied to learned counsel for the applicant forthwith.

4. Learned counsel for the applicant thus seeks time to go through the said reply and file rejoinder, if necessary. Time granted.

5. S.O. to 31.07.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 292 OF 2023
(Sameer H. Umralkar Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 26.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 492 OF 2023
(Dr. Jagannath G. Kundkar Vs. State of Maharashtra &
Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. At the request of learned P.O., S.O. to 12.07.2024 for hearing.

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

MEMBER (J)

SAS ORAL ORDER 28.06.2024

**O.A.NO. 709/2023 WITH M.A.NO. 207/2024
(Deepak R. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri A.V. Deshmukh, learned counsel for respondent No.6.

2. At the request of learned counsel appearing for respondent No.6, S.O. to 08.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 784 OF 2023
(Bibihazara Gulab Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri A.D. Sugdare, learned counsel for the applicant and Smt. R.S. Deshumukh, learned Presenting Officer for the respondent authorities.

2. Leave to add the District Collector, Ahmednagar as party respondent. The applicant to add the said respondent forthwith.

3. Issue notice to newly added respondent i.e. the District Collector, Ahmednagar, returnable on 31.07.2024.

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

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

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O.A. 784/2023

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

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

8. S.O. to 31.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 28.06.2024

**ORIGINAL APPLICATION NO. 817 OF 2023
(Vaishali N. Kattul Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Heard Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant and Smt. R.S. Deshmukh learned Presenting Officer for the respondent authorities.

2. At the request of learned P.O., S.O. to 23.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 834 OF 2023
(Dr. Balasaheb S. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned P.O. seeks time till Wednesday to comply with the directions given in the order dated 10.05.2024. Time granted.

3. Failing to comply with the said directions, the Principal Secretary, Public Health Department, Mantralaya, Mumbai shall remain present before this Tribunal in person. However in case the order is complied with, presence of Principal Secretary is not required before this Tribunal.

4. S.O. to 03.07.2024 for hearing.

5. Steno copy and Hamdast is allowed to learned P.O. to communicate this order to the concerned respondent.

MEMBER (J)

**ORIGINAL APPLICATION NO. 853 OF 2023
(Swapnali S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 10.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 28.06.2024

**ORIGINAL APPLICATION NO. 866 OF 2023
(Nana P. Ingle Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Shri A.S. Deshpande, learned counsel for the applicant, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 24.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 37 OF 2024
(Prajwal R. Sorate Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent No.2. Leave granted.

3. The affidavit in reply of respondent No.2 is accepted and copy thereof is given to learned counsel for the applicant today itself.

4. Learned counsel for the applicant seeks time to go through the same and file rejoinder, if any. Time granted.

5. S.O. to 19.07.2024 for filing rejoinder/for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 114 OF 2024
(Gangasagar B. Kokate Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri M.V. Thotat, learned counsel for the applicants, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.Y. Nandedkar, learned counsel for respondent No.4.

2. Learned counsel for the applicant submits additional affidavit of the applicant with certain annexures. The same is taken on record and copy thereof is given to learned counsel appearing for respondent No.4 and learned P.O.

3. Learned counsel for respondent No.4 also submits the additional affidavit of respondent No.4. The same is taken on record and copy thereof is given to learned counsel for the applicant.

4. Learned counsel appearing for the parties thus seek time to go through the said affidavits. Time granted.

5. Learned P.O. is directed to place before this Tribunal original record and proceedings.

6. S.O. to 12.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 121 OF 2024
(Alka P. Wagh (Patil) & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri V.S. Panpatte, learned counsel for the applicants, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 09.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 173 OF 2024
(Ravindranath S. Deepak Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. None present for the applicant.

3. By order dated 20.02.2024 this Tribunal has granted interim relief in favour of the applicant permitting thereby the applicant to discharge his regular duties at his existing place of posting.

4. However it appears that thereafter since 12.04.2024 and 24.04.2024, the applicant and his counsel remained absent.

5. Thus, the interim relief stands vacated.

6. S.O. to 07.08.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 578 OF 2016
(C.H. Dongaonkar Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent Nos. 2 to 5.

2. Part heard.

3. S.O. to 08.07.2024 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 478 OF 2019
(Dr. Anand S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 23.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 28.06.2024

**ORIGINAL APPLICATION NO. 200 OF 2021
(Sudhir L. Borhade Vs. State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri A.S. Khedkar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent Nos. 4 & 5.

2. S.O. to 01.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 116 OF 2017
(Dr. Dhanraj W. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. S.O. to 01.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 28.06.2024

**ORIGINAL APPLICATION NO. 139 OF 2017
(Shaikh Liyakat Shaikh Dildar Vs. State of Maharashtra &
Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

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

2. S.O. to 01.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 413 OF 2024
(Vithal G. Katkade Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, re-issue notice to respondents, returnable on 16.07.2024.

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

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

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

//2// O.A. 413/2024

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

7. S.O. to 16.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 414 OF 2024
(Sajid Khan s/o Nanhe Khan Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, re-issue notice to respondents, returnable on 16.07.2024.

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

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

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

//2// O.A. 414/2024

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

7. S.O. to 16.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 28.06.2024

ORIGINAL APPLICATION NO. 451 OF 2024
(Madhuri L. Shelke Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 3 & 4. The same is taken on record and copy thereof is given to other side.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 31.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 271 OF 2024
(Dilip K. Lamture Vs. State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits affidavit in reply on behalf of respondent No.4 along with spare copy for the other side. The same is taken on record.

3. Learned P.O. seeks time to file affidavit in reply on behalf of remaining respondents. Time granted.

4. S.O. to 02.08.2024.

MEMBER (J)

**O.A.NO. 28/2022 WITH 01/2022 WITH 02/2022
(Girish Ashok Bibave & Ors. Vs. The State of Maha. & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri Santosh S. Jadhavar, learned counsel for the applicants in O.A. No. 28/2022, Shri K.G. Salunke, learned counsel for the applicants in O.A. Nos. 01 & 02 both of 2022 and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 22.07.2024. The interim relief granted earlier in O.A. Nos. 01 & 02 both of 2022 to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 637 OF 2024
(Sanket S. Wanegaonkar Vs. The State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 638 OF 2024
(Satwa Salikram Bodkhe Vs. The State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 639 OF 2024
(Anita V. Sirsat Vs. The State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 640 OF 2024
(Manisha S. Deshmukh Vs. The State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 641 OF 2024
(Deepak N. Nagargoje Vs. The State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 642 OF 2024
(Siddheshwar B. Nakade Vs. The State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 643 OF 2024
(Tekchand R Sarve Vs. The State of Maha. & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 28.06.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and S/Shri Mahesh B. Bharaswadkar, V.R. Bhumkar and V.G. Pingle, learned Chief Presenting Officer and learned Presenting Officers for the respective respondents in respective matters.

2. The applicants in all these OAs have applied for their selection on the post of Talathis. It is the case of some of the applicants that initially their names were

shown in the list of selected candidates and in the revised list also though their names are containing the Star is given against their names, which indicates that the result of such candidates is withheld by the respondents. In some of the matters names of the applicants were in the waiting list initially and now in the revised list though their names are maintained in the waiting list Star is given against their names indicating that their results are withheld. Learned counsel submits that when applicants have succeeded in selection process and their names were included in the list of selected candidates or in the waiting list, without giving them any opportunity or without hearing them, the respondents could not have resolved to withhold their result. Learned counsel in the circumstances has prayed for interim relief, thereby directing the respondents to keep one post vacant for each of the applicants in these O.As. till the decision of these applications.

3. Shri V.R. Bhumkar, learned Presenting Officer has opposed for grant of any such interim relief. He has tendered one notification issued by the Government on 11.03.2024. Learned Presenting Officer submitted that it has been revealed that malpractice has occurred in the examination, which was held for selection of Talathis and in the circumstances the Government has taken a

decision to withhold the results of such candidates against whom such *prima facie* material is found.

4. After having considered the arguments advanced on behalf of the applicants and the State authorities and more particularly, in view of the information which has been placed on record, we are not inclined to accept the request made by the applicants for grant of interim relief thereby directing the respondents to keep one post vacant against which the applicants were shown to be selected. At this stage, however it is difficult to reach to any conclusion as about the allegations against the applicants of malpractice in the examination. Similarly, the fact that the Government is carrying out enquiry in the matter, allegations against the applicants cannot be said to be groundless. In the circumstances, we deem it appropriate to pass the following order: -

ORDER

(i) Issue notice to respondents in all these OAs, returnable on 05.08.2024. **In the meanwhile if the appointments are made to the post for which the applicants have been considered, the same shall be subject to outcome of the present Original Applications.**

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

(iii) Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case

would be taken up for final disposal at the stage of admission hearing.

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

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

(vi) S.O. to 05.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 37/2024 IN O.A.NO. 651/2023
(Shrikant Bhimrao Borade Vs. The State of Maha. & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri Kalidas B. Bhise, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue simple notice to respondents, returnable on 09.09.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 09.09.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 636 OF 2024
(Vishal D. Pholane Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 13.08.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 13.08.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 24/2024 IN O.A.NO. 810/2019
(Shamsundar Manikrao Choudhari Vs. The State of Maha.
& Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 01.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 28.06.2024-HDD

ORIGINAL APPLICATION NO. 946 OF 2022
(Madhukar Vaijinath Kshirsagar Vs. the State of Maha. & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

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

ORDER

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 482 OF 2024
(Tushar Vijay Deore & Ors. Vs. The State of Maha. & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri K.P. Rodge, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Time granted by way of last chance.

3. S.O. to 15.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 190 OF 2024
(Parag Sitaram Wagh Vs. The State of Maha. & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. Learned counsel appearing for the applicant submitted that no rejoinder affidavit is to be filed. List the matter for hearing on 29.07.2024.

4. Learned Presenting Officer submits that the payment of cost is being deposited in the registry of this Tribunal today.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 600 OF 2024
(Shyam Shivajirao Lohi Vs. The State of Maha. & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer seeks time for filing affidavit in reply. Learned counsel for the applicant prays for early date stating that there is some urgency in the matter.

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

4. By consent of both the parties, S.O. to 05.07.2024.

MEMBER (A)

VICE CHAIRMAN

**C.P.NO. 09/2024 IN O.A.NO. 218/2023
(Sandip T. Jogdand Vs. The State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Shri R.D. Khadap, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 07.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 28.06.2024-HDD

C.P.NO. 04/2024 IN O.A.NO. 49/2015
(Dattatraya G. Zade Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 30.09.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 28.06.2024-HDD

**ORIGINAL APPLICATION NO. 1115 OF 2023
(Subhash Sitaram Khade Vs. The State of Maha. & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Shri Amol D. Llipne, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant submits that the applicant is not intending to file rejoinder affidavit. List the matter for hearing on 06.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 347 OF 2024
(Harishkumar Eknath Pane Vs. The State of Maha. & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the matter for hearing on 29.07.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 05/2024 IN O.A.NO. 739/2023
(Prashant Narayan Kedar Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. S.O. to 25.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 28.06.2024-HDD

**ORIGINAL APPLICATION NO. 601 OF 2023
(Santosh Shesherao Kasbe Vs. The State of Maharashtra &
Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

Shri A.S. Avhad, learned counsel holding for Shri S.R. Kedar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2, M.P.S.C., and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the matter for hearing on 18.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 237 OF 2022
(Vinayak U. Banchod Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted till 19.07.2024 by way of last chance. It is made clear that affidavit in reply is not filed by the respondents on or before the next date, the matter will be heard without affidavit in reply of the respondents.

3. S.O. to 19.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 244 OF 2016
(Vijaykumar P. Narwade Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to file affidavit in reply. Time granted.

3. S.O. to 05.08.2024.

MEMBER (A)

VICE CHAIRMAN

**M.A.NO. 390/2023 IN O.A.ST.NO. 1562/2023
(Balaji V. Malchpure Vs. The State of Maharashtra & Ors.)**

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

DATE : 28.06.2024

ORAL ORDER :

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

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

3. S.O. to 24.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 28.06.2024-HDD

T.A.NO.05/2023 (W.P.NO.4762/2020)
(Vinayak Ware & Ors. Vs. State of Maharashtra & Ors.)

T.A.NO.06/2023 (W.P.NO.4765/2020)
(Sunil Suresh Ubale & Ors. Vs. State of Maharashtra & Ors)

T.A.NO.07/2023 (W.P.NO.5233/2020)
(Pralhad K. Ugale Vs. State of Maharashtra & Ors.)

T.A.NO.09/2023 (W.P.NO.5588/2020)
(Sonali Bhosale Vs. State of Maharashtra & Ors.)

T.A.NO.10/2023 (W.P.NO.5592/2020)
(Surekha Wani Vs. State of Maharashtra & Ors.)

T.A.NO.11/2023 (W.P.NO.7243/2020)
**(Maharashtra State Contractual Employees Federation, Through
its working President Sachin S. Jadhav Vs. State of Maha.& Ors.)**

T.A.NO.16/2023 (W.P.NO. 5776/2021)
(Gajanan N. Tehare & Ors. Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 28.06.2024

ORAL ORDER :

Shri Sayyed Tauseef Yaseen, learned counsel for the applicants in T.A. 06/23 & 16/23, Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre (T.A. 10/23), Shri Krishna Rodge, (T.A. 11/23), Shri Sachin S. Tambe, learned counsel holding for Shri S.S. Jadhavar for the applicant (T.A. 09/23), Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Umesh Mote, learned counsel for respondent Zilla Parishad and Shri R.R. Bangar, learned counsel for respondent No. 1 in T.A. Nos. 07 & 16 both of 2023, are present.

// 2 //

Shri Sachin S. Deshmukh, learned counsel for the applicants in T.A. No. 05/2023 & Shri S.A. Nagarsoge learned counsel for respective applicants (T.A. No. 7/2023), **are absent.**

2. S.O. to 16.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 28.06.2024-HDD

T.A. NO. 08/2023 (W.P. NO. 5591/2020)
(Pravin Hadade & Ors. Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Umesh Mote, learned counsel for respondent nos. 02 & 03.

2. Both the applicants are working on contract basis under the scheme of the Government known Jal Jivan Mission and Swachh Bharat Mission respectively. Learned counsel appearing for the applicants at the commencement of his argument itself brought to our notice that the case of both these applicants is identical with the employees who were applicants in T.A. No. 03/2023 (W.P. No. 13847/2021) with T.A. No. 04/2023 (W.P. No. 3935/2021), which has been decided by this Tribunal vide order dated 20.03.2024. Learned counsel appearing for the applicants submits that the present applicants are also not seeking any other benefit than

**:: - 2 - :: T.A. NO. 08/2023 (W.P.
NO. 5591/2020)**

their continuation on contract basis till the project of Jal Jiwan Mission & Swach Bharat Mission in which they have been appointed is completed. Learned counsel appearing for the applicants pointed out that these applicants are not claiming regularization nor claiming the permanency or any other like benefit. Learned counsel submitted that the applicants are presently also working as contractual employees. Learned counsel submitted that only request of these applicants is that since their appointments are for a particular project named as Jal Jivan Mission & Swach Bharat Mission their services on contract basis shall be continued till the project is continued and they shall not be replaced by any other ad hoc employee by the respondents. Common order has been passed by this Tribunal on 20.03.2024 in T.A. No. 03/2023 with T.A. No. 04/2023, which reads thus: -

“O R D E R

(i) The communication-cum-orders dated 27.07.2020 and 03.08.2020 issued by the State Government to 105 T.A.NOS. 3 & 4 both of 2023 the Chief Executive Officers of all the Zilla Parishads in the State are quashed and set aside.

(ii) The Government Resolution dated 04.09.2020 to the extent it provides for outsourcing the works under the Jal Jivan

**:: - 3 - :: T.A. NO. 08/2023 (W.P.
NO. 5591/2020)**

Mission, which are being presently performed by the applicants in T.A. No. 03/2023 and similarly situated other employees, is quashed set aside.

(iii) The directions issued by the State Government dated 29.06.2021 to the Director, Groundwater Survey and Development Agency, are quashed and set aside.

(iv) The directions issued by the Director, Groundwater Survey and Development Agency, Maharashtra State dated 26.07.2021 to the Deputy Directors, Groundwater Survey and Development Agency of Pune, Konkan, Nashik, Aurangabad, Amravati and Nagpur Divisions, are quashed and set aside.

(v) The respondents are directed to continue the services of the employees presently working on their respective posts under the projects Swachh Bharat Mission and National Jal Jivan Mission, subject to giving satisfactory performance, till completion of both the aforesaid projects or till the employee concerned attains the age of superannuation, whichever occurs earlier; of course, subject to earlier termination either if any on medial or disciplinary grounds or for unsatisfactory performance. 106 T.A.NOS. 3 & 4 both of 2023

(vi) Insofar as the prayer made in T.A. No. 04/2023 seeking to regularize the services of the employees, who have completed 10 years' service or more while working as contract employees under the projects of Swachh Bharat Mission and Jal Jivan Mission is concerned, it would be open for the applicant Association to pursue the said demand made by it to the State

**:: - 4 - :: T.A. NO. 08/2023 (W.P.
NO. 5591/2020)**

Government on 16.08.2020. (vii) The Transfer Applications stand allowed in the aforesaid terms. No order as to costs.”

3. In view of the fact that cases of these applicants are identical with cases of the employees, who were applicants in both the aforesaid TAs, we see no reason to take contrary view in the present application. Insofar as factual aspects are concerned, Counsel appearing for the Zilla Parishad, as well as, learned Chief Presenting Officer, have not disputed the said fact. In the circumstances, the following order is passed: -

ORDER

(i) The respondents are directed to continue the services of the applicants in the present Transfer Application first working under Swachh Bharat Mission and other working under Jal Jivan Mission, subject to giving satisfactory performance, till completion of both the aforesaid projects or till the applicants attain the age of superannuation, whichever occurs earlier; of course, subject to earlier termination either if any on medical or disciplinary grounds or for on unsatisfactory performance.

(ii) The Transfer Application stands allowed in the aforesaid terms. No order as to costs.”

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 811 OF 2024
(Manikumari Apparao Battula Vs. the State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 962 OF 2024
(Niteen Kishorkumar Devsarkar Vs. the State of Maharashtra & Ors.)

ORIGINAL APPLICATION ST. NO. 1146 OF 2024
(Rajesh Waghji Joshi Vs. The State of Maharashtra & Ors.)

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

DATE : 28.06.2024

COMMON ORAL ORDER :

Heard Shri Vaibhav B. Dhage, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these applications.

2. In all these Original Applications the principal prayer made is that respondent No. 1 be directed to recast the list of candidates eligible for recommendation published on 10.08.2023 by excluding the names of such candidates from reserved category who had availed the benefit of age relaxation or concession in fees. The principal prayer made in all these applications is identical with the prayer made in O.A. No. 778/2023, which has been decided by us today. In the said O.A. No. 778/2023 we have given directions to respondent No.

::- 2 -:: O.A.Nos. 811, 962 & 1146 / 2024

2, the Maharashtra Public Service Commission, to recast the list published on 10.08.2023 as has been prayed in the present applications.

3. In view of the judgment and order passed in said O.A. No. 778/2023, nothing survives to be considered in the present applications. The present OAs, therefore, stand disposed of with no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 28.06.2024-HDD

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD.

ORIGINAL APPLICATION NO. 778 OF 2023

Shri Vitthal G. Shinde & Ors. -- Applicants

V E R S U S

The State of Maharashtra & Ors. -- Respondents

OPERATIVE ORDER

(i) Inclusion of the candidates belonging to reserved category who have availed the benefit of age relaxation in the list of the candidates – eligible for recommendation for appointment to the post of Assistant Public Prosecutor, Group-A, published by respondent no. 02 on 10.08.2023, is held unsustainable in law.

(ii) Consequently, respondent no. 02 is directed to recast the list of the candidates - eligible for recommendation for the post of Assistant Public Prosecutor, Group-A. While recasting such list, respondent no. 02 shall ensure that no candidate belonging to reserved category, who has availed the benefit of age relaxation, is recommended against the unreserved (Open) seat. It is clarified that the benefit availed of concession in fees by the reserved category candidates shall not be a barrier for their selection on the basis of their merit against the unreserved seats, if such candidates have not availed the benefit of age relaxation.

(iii) The aforesaid exercise is to be carried out by respondent no. 02 within 04 weeks from the date of this order and respondent no. 01 shall issue orders of appointment to the candidates who may be recommended, within 04 weeks thereafter.

(iv) The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

(v) Misc. Applications, if any, pending in the present O.A. stand disposed of.

MEMBER (A)

VICE CHAIRMAN

(1) After pronouncement of the order, learned counsel Shri Khedkar appearing for some of the private respondents, as well as, learned Chief Presenting Officer appearing for respondent no. 02, the M.P.S.C., have prayed for staying the effect and operation of the order passed by us today in the present matter for 01 week so as to enable the respondents to approach the Hon'ble High Court.

(2) The request so made on behalf of the respondent no. 02, as well as, some of the private respondents is opposed by the learned counsel appearing for the applicants. Learned counsel submitted that having regard to the directions containing in the order passed by the Tribunal today even otherwise the recommendations are not likely to be made within 01 week from the date of this order. Learned counsel

further submitted that if the Tribunal is accepting the request of learned counsel appearing for some of the private respondents and learned C.P.O. appearing for respondent no. 02, the M.P.S.C., it may be clarified that in the meanwhile period no orders are issued on the basis of the list published on 10.08.2023.

(3) On a query made by us to the learned C.P.O. it is informed that till today no appointment orders are issued in favour of any of the candidates recommended in the list published on 10.08.2023.

(4) In view of the fact that till today the State Government has not issued the appointment order in favour of any of the candidate recommended by respondent no. 02 vide its list published on 10.08.2023, we are inclined to accept the request made by the aforesaid respondents. Hence, the following order:-

ORDER

(A) The effect and operation of the order passed by the Tribunal today shall stand stayed for 01 week from the day the order is uploaded on the official website of the Tribunal. Till then, the respondent nos. 01 to 03 shall maintain Status quo as on today in respect of the appointments of Assistant Public Prosecutors, Group-A.

(B) Steno copy of this operative order be issued to the learned C.P.O.

MEMBER (A)

VICE CHAIRMAN

Place : Aurangabad

Date : 28.06.2024