Date : 29.6.2022 ORIGINAL APPLICATION NO. 550/2022 (Shri Raghoji R. Bele V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

ARJ REGISTRAR NOTICE - 29.6.2022

Date : 29.6.2022 ORIGINAL APPLICATION NO. 551/2022 (Shri Bapurao G. Chikalkar & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri S.K. Shirse, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 552/2022 (Shri Kisan M. Ubale & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri V.R. Bhumkar, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice. Date : 29.6.2022 ORIGINAL APPLICATION NO. 553/2022 (Shri Punjaji S. Yelne & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri M.P. Gude, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 554/2022 (Shri Nandkishor M. Hanswal & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 555/2022 (Ismail Ahemad Nadaf & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri N.U. Yadav, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 556/2022 (Shri Balasaheb G. Agashe & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 557/2022 (Shri Anil K. Jondhale & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 558/2022 (Shri Rangnath R. Jadhav & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri S.K. Shirse, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 559/2022 (Smt. Pramilabai B. Deshmukh V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 560/2022 (Shri Maroti R. Sable & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri M.P. Gude, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 561/2022 (Shri Gopalrao V. Tompe & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 562/2022 (Smt. Shantabai B. Thombre & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri Vivek G. Pingle, learned Advocate for the applicants and Shri N.U. Yadav, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 563/2022 (Shri Baban B. Thoke & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri P.M. Shinde, learned Advocate for the applicants and Smt. Sanjivani Deshmukh Ghate, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 564/2022 (Shri Ramrao M. Pole & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri P.M. Shinde, learned Advocate for the applicants and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 565/2022 (Shri Shesherao Ramu Rathod & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri P.M. Shinde, learned Advocate for the applicants and Shri S.K. Shirse, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

Date : 29.6.2022 ORIGINAL APPLICATION NO. 566/2022 (Shri Shesherao Laxman Rathod & Ors. V/s State of Maharashtra & Ors.)

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

1. Shri P.M. Shinde, learned Advocate for the applicants and Shri V.R. Bhumkar, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on **5.8.2022**. The case be listed for admission hearing on **5.8.2022**.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicants are directed to file Affidavit of compliance and notice.

ORIGINAL APPLICATION NO. 486/2017 (Vijeta M. Ade Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri M.D. Godhamgaonkar, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 11.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 360/2019 (Dr. Atul A. Deshmukh Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 11.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 517/2019 (Shri Rajendra P. Kamble & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Swapnil A. Deshmukh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Short affidavit has already been filed by res. nos. 01 to 03.

3. S.O. to 11.8.2022 for filing rejoinder affidavit, if any, by the applicant.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 648/2019 (Shri Kishor G. Deshpande Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 12.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 759/2019 (Dr. Gopikrishna P. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

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

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 12.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 37/2020 (Shri Pandurang N. Mendake Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri S.S. Dambe, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 12.8.2022 for filing rejoinder affidavit by the applicant.

VICE CHAIRMAN

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

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 29.6.2022

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 17.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 663/2021 (Kiran K. Komwad Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Smt. Priya R. Bharaswadkar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

- 2. Await service of notice upon the respondents.
- 3. S.O. to 17.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 713/2021 (Shri Yogesh C. Gupta & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 29.6.2022

ORAL ORDER :

Shri S.S. Dambe, learned counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 17.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 760/2021 (Shri Malikarjun D. Deshmane Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 29.6.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel has sought time for filing rejoinder affidavit of the applicant. Time granted.

3. S.O. to 8.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 795/2021 (Shri Keshav B. Shirole Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 19.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 819/2021 (Shri Laxman G Lagad & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply of respondent nos. 1 to 6. It is taken on record and copy thereof has been supplied to the learned counsel for the applicants.

3. S.O. to 19.8.2022 for filing rejoinder affidavit, if any, by the applicants.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 831/2021 (Shri Anand B. Gayake Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri M.B. Bharaswadkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for fling the affidavit in reply of the respondents. Time granted.

3. S.O. to 10.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 236/2022 (Smt. Bhagyashri T. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Prafulla Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 22.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 243/2022 (Shri Ghansham D. Chavan & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 29.6.2022

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri M.B. Kolpe, learned counsel for respondent no. 2, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 10.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 265/2022 (Smt. Ranjana B. More Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Prafulla Bodade, learned counsel holding for Shri J.B. Choudhary, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 22.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 303/2022 (Shri Santosh G. Lungare Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Manoj U. Shelke, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 8.8.2022.

VICE CHAIRMAN

O.A. NO. 422/2022 WITH CAVEAT 8/2022 (Shri Maroti K. Sable & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri A.P. Avhad, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.G. Ambetkar, learned counsel for caveator, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted.

3. S.O. to 22.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 479/2022 (Dr. Parvez Abdul Jabbar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

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

- 2. Await service of notice upon the respondents.
- 3. S.O. to 23.8.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 590/2020 (Shri Ankush B. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

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

- 2. The Division Bench is not available.
- 3. S.O. to 4.8.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 305/2021 (Shri Devidas G. Nandgaonkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

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

- 2. The Division Bench is not available.
- 3. S.O. to 5.8.2022 for hearing.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 579/2021 (Shri Siddharth R. Pandurnikar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

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

2. The C.P.O. has sought time for filing the affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 12.7.2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 799/2021 (Shri Shirish R. Yadav Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Jiwan J. Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

- 2. The Division Bench is not available.
- 3. S.O. to 4.8.2022 for hearing.
- 4. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

M.A. 100/2020 IN O.A. 236/2018 (Shri Krushnalal R. Shirshi Ghule Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 29.6.2022

ORAL ORDER :

Shri M.R. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

- 2. The Division Bench is not available.
- 3. S.O. to 26.7.2022 for hearing.

VICE CHAIRMAN

M.A. 103/2020 IN O.A. ST. 146/2020 (Shri Ramchandra N. Palmate Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman (This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri V.P. Golewar, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply of the respondents. Time granted as a last chance.

3. S.O. to 26.7.2022.

VICE CHAIRMAN

O.A. NO. 159/2010, O.A. NO. 341/2010 AND O.A. NO. 424/2015 (Dr. Prakash A. Sawant & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri K.J. Suryawanshi, learned counsel for the applicants in all these matters (**absent**). S/shri I.S. Thorat & B.S. Deokar, learned Presenting Officers for the respondent authorities in all these matters and Shri K.G. Salunke, learned counsel for respondent no. 10 in O.A. No. 424/2015, are present. Shri U.B. Bondar, learned counsel for respondent no. 7, Shri S.S. Dambe, learned counsel for respondent no. 8, Shri Sachin G. Joshi, learned counsel for respondent no. 9, Shri Vivek Bhavthankar, learned counsel for respondent no. 11, Shri S.T. Shelke, learned counsel for respondent no. 13 and Shri S.B. Gastgar, learned counsel for respondent no. 14 in O.A. No. 424/2015, (**absent**).

- 2. The Division Bench is not available.
- 3. S.O. to 5.8.2022 for final hearing.

VICE CHAIRMAN

M.A. No. 456/2019 in O.A. St. No. 1749/2019 (Sandip Vasant Ganage Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

<u>O R D E R</u>

1. This Misc. Application is made by the applicant seeking condonation of delay of about 129 days caused for filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985, seeking direction of appointment for him on compassionate ground by deciding the requisite representations made by him in that regard, which are said to be pending since long.

2. The father of the applicant named Vasant Rangnath Ganage died in harness on 30.12.1997, when he was working as Measurement Officer with the office of respondent No. 4 i.e. the Executive Engineer, Irrigation Department, Paithan, Dist. Aurangabad leaving behind his widow viz. Smt. Chhaya, who is illiterate lady and two children including the applicant. Widow of the deceased employee in the year 1998 made application for compassionate appointment. However, her claim was not considered. The applicant, who is the son of deceased employee upon attaining the age of majority made application seeking

//2// M.A. 456/2019 in O.A. St. 1749/2019

appointment on compassionate ground. His said application was processed and the name of the applicant was taken in the waiting list of the candidates to be appointed on compassionate ground at seniority No. 495. However, his name was not considered for giving appointment and in the year 2009, the respondent No. 1 by letter dated 20.08.2009 (part of Annexure A-5 collectively in O.A.) addressed to the respondent No. 2 communicated that the name of the applicant cannot be considered in place of his mother as per the prevailing rules.

3. The applicant thereafter, submitted an application dated 29.07.2011 (Annexure A-6, page No. 50 of the paper book in O.A.) seeking compassionate appointment. The respondent No. 2 submitted proposal dated 10.10.2011 (Annexure A-8 in O.A.) to the respondent No. 1 for considering the application of the applicant. However, the said proposal was not The considered. filed applicant thereafter representations dated 09.03.2017 and 22.03.2017 (part of Annexure A-8 collectively in O.A.) to the respondent No. 2 seeking compassionate appointment. Those representations are still pending. Meanwhile,

//3// M.A. 456/2019 in O.A. St. 1749/2019

thereafter the respondent No. 2 again sent letter dated 05.05.2018 (Annexure A-9 in O.A.) to the respondent No. 1 placing on record that no guidance is received in respect of the appointment order of the applicant.

4. In view of above, it is the contention of the applicant that though he furnished all the details, he has not been giving compassionate appointment. The applicant and his family are in dire need of compassionate appointment. Therefore, the applicant has filed the present Original Application seeking direction for his appointment on compassionate ground and for deciding his representations. However, there is delay of about 129 days in filing the accompanying OA. The said delay is not deliberate or intentional. Hence, the present Misc. Application.

5. The affidavit in reply is filed on behalf respondent Nos. 2 to 4 jointly by one Shri Prashant Bhalchandra Deshpande working as Sub-Divisional Officer in the office of Jaykwadi Irrigation Sub-Division No. 14, Vadi godri Tq. Ambad, Dist. Jalna, thereby he denied all the adverse contentions raised by the applicant in the

//4// M.A. 456/2019 in O.A. St. 1749/2019

present Misc. Application and specifically contended that the applicant's claim for compassionate appointment was considered and rejected and the said decision was communicated to the applicant vide letter dated 31.08.2009. In view of the same, there is delay of about 10 years and 5 months and not of only 129 days as sought to be contended by the applicant. The said delay is not at all explained by the applicant with plausible Hence. the present Misc. reasons. Application is liable to be rejected.

6. I have heard the arguments advanced by Shri S.R. Andhale, learned Advocate for the applicant on one hand, Shri D.R. Patil, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 to 4 on the other hand.

7. After having considered the contentions raised by the applicant itself, it is evident that though the name of the applicant was considered for compassionate appointment by taking his name in the waiting list, his claim was rejected by the respondent No. 1 by communication dated 20.08.2009 (part of Annexure A-

//5// M.A. 456/2019 in O.A. St. 1749/2019

5 collectively in O.A.) and the respondent No. 3 sent copy of the said letter dated 20.08.2009 received from the respondent No. 1 to the applicant under letter dated 31.08.2009 (part of Annexure A-5 collectively in O.A.). However, it appears that the applicant again made application on 29.07.2011 and sought to revive the whole process. It appears that the said application of the applicant was forwarded by the respondent No. 3 to the respondent No. 1 for consideration under letter dated 10.10.2011 (Annexure A-8 in O.A.). Thereafter, it appears that the applicant made representations only on 09.03.2017 and 22.03.2017 (part of Annexure A-8 collectively in O.A.). However, letter dated 05.05.2018 (Annexure A-9 in O.A.) is sent by the respondent No. 2 to the respondent No. 1 reminding for guidance, but opined that by earlier communication dated 20.08.2009 (part of Annexure A-5 collectively in O.A.), the respondent No. 1 had rejected the claim of the applicant.

8. In the above-said scenario, it appears that the cause of action for seeking direction for appointment on compassionate ground arose when the claim of the applicant was rejected by the respondent No. 1 by

//6// M.A. 456/2019 in O.A. St. 1749/2019

letter dated 20.08.2009 (part of Annexure A-5 collectively in O.A.). In view of that the delay is of about 9 years in filing the accompanying O.A., as the O.A. along with the present delay condonation application is filed only on 30.08.2019. Even if, the subsequent representation / application after the said rejection was made by the applicant only on 29.07.2011 (Annexure A-6 in O.A.), which was beyond one year of the order of rejection dated 20.08.2009. In view of the same, the said steps taken on behalf of the applicant does not save limitation. Reminders were sent by the applicant in the year 2017 i.e. on 09.03.2017 and 22.03.2017 (part of Annexure A-8 collectively in O.A.). In these circumstances, valuable and considerable period was lost. In these circumstances, if the delay condonation application is considered favourably, it is likely to affect the rights of other candidates, who are seeking compassionate appointment for vears together. In these circumstances, in my considered opinion, the reasons stated by the applicant cannot be said to be plausible to condone the inordinate delay of 9 years. The compassionate appointment cannot be said to be source of employment and therefore, it cannot be said

//7// M.A. 456/2019 in O.A. St. 1749/2019

that by not condoning the delay, the rights of the applicant would be defeated at the threshold.

9. Learned Advocate for the applicant has placed on record decision of the Hon'ble Bombay High Court (Aurangabad Bench) reported in 2020 DGLS (Bom.) 125 in the matter of Dnyaneshwar Ramkishan Musane Vs. State of Maharashtra and others, decided on 11.03.2020. In the said citation case, it is held that provision incorporated in the concerned G.R. dated 20.05.2015 putting restriction on substituting the name of the legal representative of deceased Government servant is deleted being not legal and proper. In my considered opinion, the said citation would be applicable to the merit of the case, who is pursuing the remedy diligently. The said diligence is missing in the case in hand. Even the delay caused in filing the accompanying O.A. is not properly calculated by the applicant while making the application.

10. In these circumstances, in my considered opinion, this is not a fit case to condone the delay by adopting the liberal approach as per the settled law. Hence, I proceed to pass following order :-

//8// M.A. 456/2019 in O.A. St. 1749/2019

<u>O R D E R</u>

- 1. The M.A. No. 456/2019 stands dismissed.
- 2. Consequently the registration of O.A. stands rejected.
- 3. There shall be no order as to costs.

KPB ORAL ORDERS 29.06.2022

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

filed 2. The present Original Application is challenging the impugned transfer order dated 24.06.2022 (Annexure A-4) to the extent of the applicant issued by the respondent No. 1, whereby the applicant is transferred from the post of Resident Naib Tahsildar in the Tahsil Office at Jalgaon to the post of Naib Tahsildar, Election 115 in Tahsil Office at Malegaon in Nashik District and seeking interim relief of stay to the execution and implementation of the said impugned order of transfer.

3. The applicant is a person from OBC category, who is also suffering from disability i.e. "Physical Impairment' to the extent of 51% as reflected in disability certificate at Annexure A-1. He entered into the service of Revenue Department of Government of Maharashtra on 08.09.1997. In the year 2005, he was

//2// O.A. No. 548/2022

promoted to the post of Awwal Karkoon. However, the respondent No. 3 granted the applicant deemed date of promotion in the cadre of Awwal Karkoons w.e.f. 24.09.2003. After working as Awwal Karkoon for number of years, the applicant was promoted as Naib Tahsildar on ad-hoc basis by the respondent No. 2 vide order dated 07.10.2016 (Annexure A-2). As per the said order, he was posted as Naib Tahsildar in the office of Sub-Divisional Officer, Bhusawal, Dist. Jalgaon.

4. Thereafter, the respondent No. 3 by the order dated 10.08.2020 (Annexure A-3) transferred the applicant from Bhusawal to Jalgaon on the post of Resident Naib Tehsildar in the Tahsil office at Jalgaon. Accordingly, at present the applicant is working on the said post. He has not even completed two years of his posting. However, the respondent No. 1 issued the impugned order dated 24.06.2022 (Annexure A-4) regularizing the ad-hoc promotion given to the applicant and a number of other Naib Tahsildars. He has no grievance about the said part of the order. However, by the same order, though the applicant is stated to be not due for transfer, he has been transferred on administrative ground from Jalgaon to

//3// O.A. No. 548/2022

Malegaon, Dist. Nashik. The said part of the order is mid-term transfer order and is in violation of the statutory provisions contained in Section 4(4)(ii) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "the Transfer Act 2005"), as well as, in violation and disregard of the ban imposed by the Government of Maharashtra on transfers of the Government servants till 30.06.2022 vide G.R. dated 27.05.2022 (Anx. A-5).

5. In view of above, learned Advocate for the applicant strenuously urged before me that though in the impugned order, there is mention of relieving the applicant and others ex-parte on the same day of the order itself, in fact, the applicant has not handed over the charge of his post to anybody and anybody else has not been appointed on transfer in his place substantially. He therefore, seeks interim stay to the execution and implementation of the impugned order of transfer.

6. Learned Presenting Officer opposed the submissions made on behalf of the applicant and submitted that the applicant has been relieved exparte as stated in the impugned order itself and by

//4// O.A. No. 548/2022

another office order dated 24.06.2022 issued by the Tahsildar, Jalgaon. On 24.06.2022, the charge of the post held by the applicant is handed over to Shri Vishal Sonawane, Naib Tahsildar as an additional charge. In order to substantiate the said submissions, she placed on record a copy of the office order dated 24.06.2022. Same is taken on record and marked as document 'X' for the purpose of identification.

7. After having considered the Original Application and annexures thereof, it is evident that the impugned of regularization-cum-transfer shows that order though the applicant was not due for transfer, he has been transferred administrative on ground. Admittedly, the impugned transfer order to the extent of the applicant is mid-term, as well as, mid-tenure transfer order. Perusal of the said order does not show that due procedure is followed as contemplated for mid-term and mid-tenure transfer under the provisions of Section 4(4)(ii) and 4(5) of the Transfer 2005. is Act. The reason mentioned of an administrative ground and in last para No. 16 of the said order, it is mentioned that this order dated 24.06.2022 is issued with the concurrence of the General Administration Department. By any stretch of

//5// O.A. No. 548/2022

imagination if this contention in the impugned order is taken into consideration, it cannot be said to be in compliance of the provisions of Section 4(4)(ii) and 4(5)of the Transfer Act, 2005, which speaks of exceptional circumstances or special reasons and approval of the immediate superior or higher authority of the competent transferring authority. It is also pertinent to note here that this order to the extent of transfer comes into the teeth of the G.R. dated 27.05.2022 (Annexure A-5) issued by the General Administration Department, as per which general transfers are banned till 30.06.2022 and any immediate transfers on administrative ground would require accent / approval of the Hon'ble Chief Minister. The compliance of this G.R. is also not reflected in the impugned transfer order dated 24.06.2022 (Annexure A-4). Hence, prima-facie, there is violation of requisite provisions of rules.

8. It is true that the learned Presenting Officer has placed on record office order dated 24.06.2022 issued by the Tahsildar, Jalgaon stating that the charge of the post of the applicant is handed over to Shri Vishal Sonawane, Naib Tahsildar. However, the applicant maintains that he has not handed over the charge of

//6// O.A. No. 548/2022

his post to anybody. It is also true that the applicant has been relieved ex-parte as stated in the impugned order of transfer itself. However, mention of handing over charge in the office order dated 24.06.2022 does not seem to be in accordance with rules and regulations dealing with handing over and taking charge. In these circumstances and more particularly when the impugned order of transfer of the applicant appears to have been issued in contravention of the provisions of the Transfer Act, 2005, as well as, G.R. dated 27.05.2022 (Annexure A-5), this is a fit case to interim the execution stay to and grant implementation of the impugned order of transfer of the applicant dated 24.06.2022 (Annexure A-4) till filing of the affidavit in reply by the respondents. It is ordered accordingly.

9. Issue notice to the respondents, returnable on 12.07.2022.

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

11. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

//7// O.A. No. 548/2022

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.

12. 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.

13. 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.

14. S.O. to 12.07.2022.

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

MEMBER (J)

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 399 OF 2022 (Gopal G. Tawshikar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Smt. S.C. Thombre, learned Advocate holding for Shri C.V. Thombre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 25.07.2022.

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

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

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

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

- 7. S.O. to 25.07.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 400 OF 2022 (Rohit G. Ubale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. At the request of learned Advocate for the applicant, S.O. to 22.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 473 OF 2022 (Satish V. Mote Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 29.06.2022

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 22.07.2022.

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

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

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

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

- 7. S.O. to 22.07.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 408 OF 2019 (Sandeep G. Salve Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. At the request of learned Advocate for the applicant, S.O. to 22.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 487 OF 2021 (Chatrabhuj G. Jagtap Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri D.T. Devane, learned Advocate for respondent No. 4.

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 20.07.2022.

MEMBER (J)

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 29 OF 2022 (Dr. Ravindra K. Deshmukh Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 ORAL ORDER :

Heard Shri V.B. Dhage, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri Vivek Bhavthankar, learned Advocate for respondent No. 4.

2. Record shows that affidavit in reply is filed on behalf of respondent No. 4 and it is stated to be the contesting respondent, who has passed the impugned order of suspension. Record further shows that respondent Nos. 1 to 3 have failed to file affidavit in reply, though already last chance was granted. Hence, the matter will proceed further in accordance with law.

3. S.O. to 08.07.2022 for admission.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 799 OF 2016 (Bhura R. Pawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri R.A. Joshi, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 22.07.2022 for final hearing.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 522 OF 2020 (Prakash D. Bharambe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 25.07.2022 for final hearing.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 323 OF 2021 (Shaikh Nazir Ahmed Shaikh Bashir Ahmad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. S.O. to 22.07.2022 for admission.

MEMBER (J)

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 984 OF 2019 (Dr. Prithviraj K. Chavan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 ORAL ORDER :

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

2. Learned Presenting Officer placed on record a copy of communication dated 29.06.2022 and seeks time for filing affidavit in reply on behalf of respondents. Copy of the said communication is taken on record and marked as document 'X' for the purpose of identification.

3. Record shows that in spite of grant of opportunities, the respondents have not filed affidavit in reply. Hence, the matter will proceed further in accordance with law.

4. S.O. to 11.07.2022 for admission.

MEMBER (J)

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 408 OF 2019 (Sandeep G. Salve Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. Pleadings are complete. The present matter is pertaining to direction. Hence, the O.A. is admitted and it be kept for final hearing on 22.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 649 OF 2021 (Janak B. Puri Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. Pleadings are complete. The present matter is pertaining to recovery / refund of recovered amount. Hence, the O.A. is admitted and it be kept for final hearing on 25.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 07 OF 2022 (Shaikh Anwar Abdul Kadar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. Pleadings are complete. The present matter is pertaining to pension and pensionary benefits. Hence, the O.A. is admitted and it be kept for final hearing on 25.07.2022.

MEMBER (J)

KPB ORAL ORDERS 29.06.2022

MA 191/22 in MA 151/22 in MA 229/22 in OA St. 655/21 (Pundlik N. Amberao through Lrs. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 29.06.2022

ORAL ORDER :

Shri A.G. Vasmatkar, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 25.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 930 OF 2016 (Chudaman D. Pawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. The present matter has already been treated as part heard.

At the request of learned Presenting Officer, S.O. to 04.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 771 OF 2021 (Sunil C. Thete Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. The present matter is closed for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 800 OF 2021 (Sunil C. Thete Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. The present matter is closed for orders.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 45 OF 2021 (Akhillujjamakha Shafiujjamakha Pathan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 13.07.2022 for filing rejoinder affidavit, if any.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 01 OF 2021 (Prasad S. Bhise Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 13.07.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

O.A. Nos. 599, 600, 601, 602, 603, 604, 605, 606, 738, 915 all of 2018 and O.A. No. 116/2019 (Vilas R. Mahajan & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri Anup D. Mane, learned Advocate holding for Shri A.S. Sawant, learned Advocate for the applicants in all these O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. At the request of learned Advocate for the applicants, S.O. to 10.08.2022 for final hearing.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 515 OF 2021 (Mansab Gaus Khan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. At the request of learned Presenting Officer, time granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 20.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 270 OF 2021 (Nanda V. Solanki & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri Avinash Deshmukh, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 20.07.2022 for final hearing.

KPB ORAL ORDERS 29.06.2022

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. Learned Chief Presenting Officer has filed original record for the perusal of this Tribunal. The same is taken on record.

3. The present matter is closed for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 263 OF 2021 (Dattatraya S. Haral Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. At the request of learned Presenting Officer, time granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 08.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 321 OF 2021 (Dr. Pramod U. Wawdhane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 ORAL ORDER :

Heard Shri R.N. Chavan, learned Advocate holding for Shri S.V. Suradkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3. Shri A.B. Shinde, learned Advocate for respondent No. 4, **absent**.

2. At the request of learned Presenting Officer, time granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 11.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 44 OF 2022 (Rekha D. Wagatkar & Anr. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri Subhash Chillarge, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 & 2. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 25.07.2022 for filing rejoinder affidavit, if any.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 398 OF 2018 (Dnyaneshwar K. Sanap Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 15.07.2022 for final hearing.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 538 OF 2019 (Jawahar R. Bhoi Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 5. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 22.07.2022 for filing rejoinder affidavit, if any.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 218 OF 2022 (Vinod G. Mahire Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Ms. Rutuja L. Jakhade, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 & 2. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 25.07.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 69 OF 2022 (Sudhakar G. Sonawane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 20.07.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 219 OF 2022 (Dattu G. Tarate Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri S.N. Lute, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 25.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 275 OF 2022 (Sandip D. Chavan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Smt. Pranoti Karpe, learned Advocate holding for Shri Avinash Khedkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

3. S.O. to 20.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 479 OF 2019 (Khobraji L. Bele Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) DATE : 29.06.2022

ORAL ORDER :

Shri N.R. Thorat, learned Advocate for the applicant (**absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 20.07.2022 for filing rejoinder affidavit, if any.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 989 OF 2019 (Raviraj R. Darak Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

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

3. S.O. to 22.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 1026 OF 2019 (Keshav M. Soundarmal Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time granted as one more last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 08.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 1070 OF 2019 (Suryabhan B. Nagre Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri P.B. Salunke, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri U.S. Mote, learned Advocate for respondent No. 3.

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

3. S.O. to 06.07.2022 for filing rejoinder affidavit, if any.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 1093 OF 2019 (Bhanudas B. Putwad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) DATE : 29.06.2022

ORAL ORDER :

Shri R.B. Ade, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 22.07.2022 for filing rejoinder affidavit, if any.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 08 OF 2020 (Arvind M. Kulkarni Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) DATE : 29.06.2022

ORAL ORDER :

Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 22.07.2022 for filing rejoinder affidavit, if any.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 477 OF 2021 (Tukaram R. Bhojane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Shri V.M. Maney, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 19.07.2022.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 521 OF 2021 (Hanumant R. Kulkarni Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) DATE : 29.06.2022

ORAL ORDER :

Shri S.S. Dargad, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 19.07.2022 for filing rejoinder affidavit.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 526 OF 2021 (Mr. Vilas M. Joshi Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1, 3 to 5. Shri M.C. Swami, learned Advocate for respondent No. 2, **absent**.

2. Await service of notice on the respondent No. 4.

3. At the request of learned Advocate for the applicant, S.O. to 22.07.2022 for taking necessary steps.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 656 OF 2021 (Shrikisan M. Choure Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 14.07.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 304 OF 2022 (Nitin P. Mankar and Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 15.07.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 323 OF 2022 (Baliram B. Mahale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

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

3. S.O. to 15.07.2022.

KPB ORAL ORDERS 29.06.2022

M.A. No. 604/2019 in O.A. St. No. 2158/2019 (Venkat S. Mundhe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

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

3. S.O. to 18.07.2022.

KPB ORAL ORDERS 29.06.2022

M.A. No. 223/2020 in O.A. St. No. 870/2020 (Vitthal S. Bade Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. Record shows that in spite of grant of opportunities, the respondents have not filed affidavit in reply in M.A. Hence, the matter will proceed further in accordance with law.

3. S.O. to 21.07.2022 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 349 OF 2022 (Sahebrao S. Pallewad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No.3. Same is taken on record and copy thereof has been served on the other side.

3. The present matter is closed for orders.

KPB ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO. 502 OF 2017 (Public Prosecutors' Association Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022

ORAL ORDER :

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

2. As regards the compliance regarding the order dated 18.04.2022 passed by this Tribunal in farad continuation sheet is concerned, learned C.P.O. submitted that the matter of paying special allowance / requisite remuneration to the members of the applicant association working in Evening Courts is pending before the High Power Committee and is under consideration and he would place on record the updated position in writing calling it from the Law and Judiciary Department and the Director of Prosecution on or before the next date of hearing.

3. In view of above, S.O. to 14.07.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.308 OF 2019 (Laxman B. Parandkhar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. By consent of both the sides, S.O. to 12.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.373 OF 2019 (Gajendra R. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. During the course of arguments learned Advocate for the applicant placed on record the pursis singed by the applicant stating that he does not wish to press the relief claimed in prayer clause 12(B). It is taken on record and marked as document 'X' for the purpose of identification.

3. In view of above, learned Advocate for the applicant seeks permission to delete the prayer clause 12(B).

4. Permission as prayed for is granted.

5. Learned Advocate for the applicant further seeks permission to amend the prayer clause 12(A) by adding with all consequential service benefits.

//2// O.A.373/2019

6. Such amendment will not cause irretrievable prejudice to anybody. Hence, permission is granted to amend the prayer clause 12(A).

7. The applicant to carry out amendment forthwith and to serve the amended copy to the other side.

8. The present matter be treated as part heard.

9. S.O. to 14.07.2022.

MEMBER (J)

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.701 OF 2019 (Bapusaheb V. Patare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 25.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.1031 OF 2019 (Baswaraj M. Swami & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri K.M. Nagarkar, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 25.07.2022 for final hearing.

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.83 OF 2020 (Devendra I. Sonar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

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

3. By consent of both the sides, S.O. to 18.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.06.2022

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. By consent of both the sides, S.O. to 07.07.2022 for final hearing.

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.30 OF 2021 (Kedarnath R. Budhwant Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. By consent of both the sides, S.O. to 15.07.2022 for final hearing.

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.99 OF 2021 (Shrikant V. Mundhe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 ORAL ORDER :

Shri V.M. Maney, learned Advocate for the applicant, is **absent**. Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 12.07.2022 for final hearing.

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.109 OF 2021 (Ashok D. Shiradkar & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri K.B. Jadhav, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 22.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.172 OF 2021 (Baliram S. Pandule Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 25.07.2022 for final hearing.

3. Interim relief granted earlier to continue till then.

SAS ORAL ORDERS 29.06.2022

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. By consent of both the sides, S.O. to 26.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.06.2022

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 29.06.2022 <u>ORAL ORDER</u> :

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

2. The present matter has already been treated as part heard.

3. By consent of both the sides, S.O. to 08.07.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 29.06.2022

ORIGINAL APPLICATION NO.654/2013 (Dr. Amol Pawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

<u>DATE</u> : 29.06.2022

ORAL ORDER :

Smt. Surekha Mahajan, learned Advocate for the applicant is **absent**. Shri S.K.Shirse, learned Presenting Officer for the respondents is present.

2. S.O. to 20-07-2022.

VICE CHAIRMAN

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

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

<u>DATE</u> : 29.06.2022

ORAL ORDER :

Shri S.D.Kotkar, learned Advocate for the applicant is

absent. Shri I.S.Thorat, learned Presenting Officer for the

respondents is present.

2. S.O. to 20-07-2022.

VICE CHAIRMAN

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

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

<u>DATE</u> : 29.06.2022

ORAL ORDER :

Shri D.S.Bagul, learned Advocate for the applicant is

absent. Shri B.S.Deokar, learned Presenting Officer for the

respondents is present.

2. S.O. to 21-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.279/2017 (Rekha Bonalawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri V.G.Pingle, learned Advocate for the applicant, Shri M.P.Gude, learned Presenting Officer for the respondent authorities and Shri A.D.Aghav, learned Advocate for respondent nos.4 and 5, are present.

2. S.O. to 21-07-2022.

VICE CHAIRMAN

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

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri Kaksaheb B. Jadhav, learned Advocate for the

applicant and Shri D.R.Patil, learned Presenting Officer for

the respondents, are present.

2. S.O. to 22-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.476/2018 (Aasha Khairnar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

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

2. S.O. to 22-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.488/2018 (Dattu Kolpe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri S.D.Joshi, learned Advocate for the applicant

and Smt. Sanjivani Ghate, learned Presenting Officer for

the respondents, are present.

2. S.O. to 25-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.657/2018 (Ayesha Feroz Khan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri M.K.Deshpande, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 25-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.696/2018 (Sandeep Chetti Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Advocate for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 26-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.896/2018 (Madhukar Madarase & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri R.P.Bhumkar, learned Advocate for the applicant

and Shri M.S.Mahajan, learned Chief Presenting Officer for

the respondents, are present.

2. S.O. to 26-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.82/2019 (Devendra Dandgavhal & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri Shankar Borkute, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents, are present.

2. S.O. to 27-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.171/2019 (Dr. Vaishali Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Advocate for the

applicant and Shri M.P.Gude, learned Presenting Officer for

the respondent authorities, are present.

Shri B.N.Gadegaonkar, learned Advocate for respondent no.4 is **absent**.

2. S.O. to 27-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.293/2019 (Babasaheb Pagare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri V.B.Wagh, learned Advocate for the applicant

and Shri V.R.Bhumkar, learned Presenting Officer for the

respondents, are present.

2. S.O. to 27-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.787/2019 (Laxman Huse Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting

Officer for the respondents, are present.

2. S.O. to 28-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.848/2019 (Jitendra Bagal & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri A.D.Sugdare, learned Advocate for the applicants and Shri D.R.Patil, learned Presenting Officer for the respondents, are present.

2. S.O. to 28-07-2022.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1012/2019 (Satish Badade Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri A.D.Sugdare, learned Advocate for the applicant

and Smt. Sanjivani Ghate, learned Presenting Officer for

the respondents, are present.

2. S.O. to 28-07-2022.

VICE CHAIRMAN

M.A.NO.112/2019 IN O.A.NO.386/2020 (Ganga Suryavanshi Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Justice Shri P.R. Bora, Vice Chairman (This case is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.06.2022

ORAL ORDER :

Shri Santosh Bhosle, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 29-07-2022.

VICE CHAIRMAN

M.A.NO. 397/2021 IN O.A.NO. 139/2021 (Sunil Ramrao Barse Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities. Shri Vivek U. Rathod, learned counsel for respondent Nos. 6 & 7 in O.A. No. 139/2021 (absent).

2. When today the present matter is taken up for consideration, learned Presenting Officer submits that order passed by this Tribunal on 18.4.2022, as well as, on 5.5.2022 have been duly communicated to the respondents. However, none of the respondents has given any response. If this be so the Tribunal requires to take cognizance of the conduct of the respondents as revealed. It is significant to note that in the earlier order it has been clarified that if the affidavit in reply is not filed on or before the given date the cost of Rs. 2000/- will be imposed on the officer, who may be responsible for not filing the affidavit in reply. In spite of the aforesaid order affidavit in reply was not filed and the time was sought by the learned Presenting Officer. In the interest of justice one more opportunity was given to the respondents by imposing costs of Rs. 5000/-. Though the learned P.O. has duly

:: - 2 - :: M.A. 397/21 IN O.A. 139/21

communicated the said order to the respondents none of them has given any response. In the circumstances, I am constrained to pass the following order: -

<u>order</u>

The Commissioner, Tribal Development Department, Nashik i.e. respondent No. 2 shall remain present before this Tribunal and explain the reasons (1) for not filing the affidavit in reply and (2) for ignoring the communication and instructions received from the office of Chief Presenting Officer, M.A.T., Aurangabad.

2. List the matter on 19.7.2022.

ORAL ORDERS 29.6.2022-HDD

VICE CHAIRMAN

O.A.NO. 532/2020 WITH O.A.NO. 664/2021 (Hemant J. Kinhikar & Anr. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 29.6.2022

ORAL ORDER :

S/Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant in O.A. No. 532/2020 and Shri V.B. Wagh, learned counsel for the applicant in O.A. No. 664/2021 and S/Shri S.K. Shirse & V.R. Bhumkar, learned Presenting Officers for the respective respondents in respective cases, are present.

2. At the request of learned counsel for the applicants, S.O. to 12.7.2022.

ORAL ORDERS 29.6.2022-HDD

VICE CHAIRMAN

M.A.NO. 541/2019 IN O.A.NO. 272/2019 (Wahab Majid Shaikh Vs. State of Maharashtra & Ors.) WITH M.A.NO. 542/2019 IN O.A.NO. 274/2019 (Prashant S. Sapkale Vs. State of Maharashtra & Ors.) WITH M.A.NO. 543/2019 IN O.A.NO. 275/2019 (Kishor S. Karn Vs. State of Maharashtra & Ors.) WITH M.A.NO. 580/2019 IN O.A.NO. 273/2019 (Abdul Vahid Shaikh Mohmad Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri M.R. Wagh, learned counsel for the applicants and S/Shri M.S. Mahajan, V.R. Bhumkar, M.P. Gude & Mrs. Deepali S. Deshpande, learned Presenting Officers for the respective respondents in respective cases, are present.

2. S.O. to 18.7.2022.

VICE CHAIRMAN

ORAL ORDERS 29.6.2022-HDD

M.A.NO. 108/2022 IN O.A.ST.NO. 323/2022 (Manik Sahadu Desale Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Learned counsel for the applicant has tendered across the bar orders passed in O.A. Nos. 328/2022 & 744/2021 by the Nagpur Bench of this Tribunal and the order passed in O.A. Nos. 538 & 539 both of 2022 by the Principal Seat of this Tribunal at Mumbai. The same are taken on record.

3. Learned Presenting Officer has sought time to file affidavit in reply to the application for condonation of delay. Time granted.

4. S.O. to 27.7.2022.

VICE CHAIRMAN

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 721 OF 2021 (Ashok B. Pagare Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri V.B. Wagh, 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 communication dated 26.5.2020 received from the offie of respondent No. 1 and the same is taken on record.

3. S.O. to 19.7.2022.

VICE CHAIRMAN

ORAL ORDERS 29.6.2022-HDD

O.A.NO. 453/2018 WITH O.A.NO. 454/2018 (Balasaheb R. Mendhekar & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri R.N. Bharaswadkar, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, present. Shri S.S. Dambe, learned counsel for respondent Nos. 5 to 12 (**absent**).

2. Learned counsel for the applicant has filed rejoinder affidavit in both the cases and the same is taken on record and copy of the same has been served on the other side.

3. S.O. to 7.7.2022.

ORAL ORDERS 29.6.2022-HDD

VICE CHAIRMAN

C.P.NO. 30/2019 IN O.A.NO. 526/2011 (Mohd. Azizullah Khan Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, present.

2. At the request of learned Presenting Officer, S.O. to 17.7.2022.

ORAL ORDERS 29.6.2022-HDD

VICE CHAIRMAN

M.A.NO. 134/2022 IN O.A.ST.NO. 1419/2021 (Chate Shankar Dhondiba Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri K.M. Nagarkar, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. Since none appears for the applicant, S.O. to 12.7.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 169 OF 2022 (Nisar Kha Abdullatif Kha Pathan Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Heard Shri Sanket N. Suryawanshi, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant seeks leave of this Tribunal to place on record the documents for which this Tribunal has already granted permission. Documents are taken on record.

3. Issue notice to respondents, returnable on 10.8.2022.

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.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,

:: - 2 - :: O.A. NO. 169/2022

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 10.8.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

ORAL ORDERS 29.6.2022-HDD

M.A.NO. 267/22 IN M.A.ST.746/22 IN O.A.ST.747/22 (Vasant D. Wadile & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri S.S. Kulkarni, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since none appears for the applicant, S.O. to 12.7.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 512 OF 2022 (Sunil B. Magre & Ors. Vs. State of Maharashtra & Ors.)

CORAM :Hon'ble Justice Shri P.R. Bora,
Vice Chairman
[This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri R.A. Joshi, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, present.

2. Learned Presenting Officer has sought time to file affidavit in reply. Learned counsel for the applicant submits that the main examination is held on 9.7.2022 and in the circumstances the request for interim relief requires to be considered, at least 3 to 4 days before the said date. In the circumstances, Maharashtra Public Service Commission is directed to file affidavit in reply on 5.7.2022 or else the matter will be heard without affidavit in reply of MPSC.

3. S.O. to 5.7.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 361 OF 2022 (Bhausaheb D Aghav Vs. State of Maharashtra & Ors.)

CORAM :Hon'ble Justice Shri P.R. Bora,
Vice Chairman
[This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 8.7.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 468 OF 2022 (Smita S. Ingle Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri D.R. Patil, 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 3 and the same is taken on record and copy thereof has been served on the other side.

3. List the matter for hearing on 23.8.2022. In the meanwhile if the applicant desires to file any affidavit in rejoinder, it would be open for the applicant to file the same on or before the next date.

4. S.O. to 23.8.2022. Interim relief granted earlier to continue till then.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 566 OF 2017 (Rajendra G Mane Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.7.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 67 OF 2018 (Dr. Mohd. Feroz Iqbal Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.7.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 567 OF 2018 (Shubhangi M. Sonawane Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri A.S. Shelke, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 29.7.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 670 OF 2018 (Kishan A Falke & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Ramesh I. Wakade, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 1.8.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 218 OF 2019 (Sharnappa V. Mannylikar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri M.D. Godhamgaonkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 1.8.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 232 OF 2019 (Maroti T. Kamble & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Vivek Pingle, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 2.8.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 1027 OF 2019 (Arjun D. Sonwane Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri Ajay D. Pawar, learned counsel for respondent No. 3, are present.

2. S.O. to 2.8.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 1069 OF 2019 (Prabhakar M. Kathar Vs. State of Maharashtra & Ors.)

CORAM :Hon'ble Justice Shri P.R. Bora,
Vice Chairman
[This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 3.8.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 409 OF 2020 (Kamini S. Suryawanshi Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri V.P. Patil, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 3.8.2022.

ORAL ORDERS 29.6.2022-HDD

ORIGINAL APPLICATION NO. 451 OF 2020 (Shrikari S. Solanke Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Vice Chairman [This matter is placed before the Single Bench

due to non-availability of Division Bench.]

<u>DATE</u> : 29.6.2022

ORAL ORDER :

Shri Kuldeep S. Patil, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 4.8.2022.

ORAL ORDERS 29.6.2022-HDD