

M.A. NO. 40/2024 IN O.A. NO. 155/2024
(Pradeep M. Chaudhari & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Heard Shri B.R. Kedar, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Ajay S. Deshpande, learned counsel for respondent nos. 03 & 06 and Shri Avinash S. Deshmukh, learned counsel for respondent nos. 05 & 07.

2. By filing this Misc. Application the applicants are seeking permission to sue jointly. Learned counsel for the applicants submitted that as this Tribunal was not inclined to allow the present Misc. Application and, therefore, the applicant, Shri Pradeep Maganlal Chaudhari, is only pursuing this application.

3. In view of above, the present Misc. Application is disposed of as infructuous. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. NO. 228/2024 IN O.A. NO. 155/2024
(Pradeep M. Chaudhari Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Heard Shri B.R. Kedar, learned counsel for the applicants, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Ajay S. Deshpande, learned counsel for respondent nos. 03 & 06 and Shri Avinash S. Deshmukh, learned counsel for respondent nos. 05 & 07.

2. Learned counsel for the applicant submits that the applicant is selected for the promotional post and the said list will be expired on 31.8.2024. In view of the same, the learned C.P.O. is directed to take instructions in this regard by tomorrow.

3. S.O. to 30.8.2024.

MEMBER (A)

MEMBER (J)

C.P. NO. 24/2024 IN O.A. NO. 810/2019
(Shamsunder M. Choudhari Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that during pendency of the present Contempt Petition the respondents have complied with the order, which is subject matter of the present Contempt Petition.

3. In view of above, the Contempt Petition is disposed of, however, without any order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 275/2024
(Suresh B. Patil Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. At the request of learned Chief Presenting Officer, S.O. to 19.9.2024 for filing affidavit in reply of the respondents as a last chance.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 311/2019
(Rekha Indrapal Manikhedkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of day affidavit in reply will be filed in compliance of the order dated 19.8.2024. It be taken on record and copy thereof be supplied to other side.

3. Pleadings completed. List the matter for admission hearing on 18.9.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 869/2023
(Tanaji Hanwate Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer, on instructions, states that other respondents are going to adopt the affidavit in reply already filed by respondent no. 1. The learned counsel for the applicant submits that the applicant is not willing to file rejoinder affidavit.

3. In view of above, list the matter for hearing on 30.9.2024.

MEMBER (A)

MEMBER (J)

C.P. 71/2023 IN O.A. NO. 370/2019
(Smt. Yasmin Hashmi Vasim Hashmi Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer tendered across the bar the short affidavit in reply of respondent in the Contempt Petition. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 23.9.2024 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

MEMBER (J)

C.P. NO. 75/2023 IN O.A. NO. 457/2022
(Vanita K. Panchal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent no. 3 in the Contempt Petition. It is taken on record and copy thereof has been supplied to other side.

3. List the matter on 27.9.2024 for admission hearing. The applicant is at liberty to file rejoinder affidavit, if any, in the meanwhile period.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 806/2024
(Dr. Seeema Panad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that all the respondents are duly served and service affidavit will be filed in the office during the course of the day. Learned Presenting Officer seeks time to file affidavit in reply of the respondents.

3. Learned counsel for the applicant submits that the present matter is covered since in identical matters the Government has already issued Government Resolution, which covers the case of the applicant.

4. Learned Presenting Officer submits that identical matters have already been placed before the Lak Adalat and this matter also can be placed before the ensuing Lok Adalat. Learned counsel for the applicant submits that during the course of the day the applicant will file

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O.A. NO. 806/2024

his consent for placing the present matter before the ensuing Lok Adalat.

5. In view of the same the Registry is directed to place this matter before the Lok Adalat.

MEMBER (A)

MEMBER (J)

ARJ ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 609/2024
(Dr. Pramod Ostwal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri J.S. Deshmukh, 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 the affidavit in reply on behalf of respondent nos. 1 to 4. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 13.9.2024 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 610/2024
(Dr. Pankaj R. Gupta Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri J.S. Deshmukh, 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 the affidavit in reply on behalf of respondent nos. 1 to 4. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 13.9.2024 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

MEMBER (J)

C.P. NO. 19/2020 IN O.A. NO. 704/2017
(Asman D. Garje & Ors. Vs. The State of Maharashtra & Ors.)

WITH

C.P. NO. 27/2020 IN O.A. NO. 749/2017
(Mohammad Abdul Hai Mohammad Abdul Gani & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Heard Shri J.B. Choudhary, learned counsel for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the matters.

2. Learned Presenting Officer submits that Review Petition is already filed before the Hon'ble Supreme Court and on the last date copy of the Review Petition is submitted before this Tribunal. Learned counsel for the applicants submitted that the learned P.O. is continuously seeking adjournment under this pretext, however, the said Review Petition is not yet circulated.

3. At the request of learned Presenting Officer, S.O. to 30.9.2024.

MEMBER (A)

MEMBER (J)

M.A. NO. 331/2024 IN O.A. NO. 371/2022
(Babasaheb B. Bhosale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.9.2024 for filing rejoinder affidavit, if any, by the applicant.

MEMBER (A)

MEMBER (J)

C.P. NO. 8/2024 IN O.A. NO. 216/2022
(Namdev R. Kute & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel holding for Shri S.P. Chate/P.B. Jadhav, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants submits that though the applicants have collected the simple notice and served upon the respondents, however, the postal receipts are misplaced. Learned counsel, therefore, prayed for re-issuance of simple notice to the respondents.

3. Re-issue simple notice to the respondents, returnable on 7.10.2024.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to

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C.P. NO. 8/2024 IN O.A.
NO. 216/2022

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

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

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

8. S.O. to 7.10.2024.

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

MEMBER (A)

MEMBER (J)

C.P. NO. 18/2024 IN O.A. NO. 6/2022
(Ramesh Narayanrao Shahane Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 20.9.2024 for taking instructions from the respondents.

MEMBER (A)

MEMBER (J)

C.P. NO. 67/2024 IN O.A. NO. 240/2024
(Hareshwar R. Ghuge Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri P.M. Nagargoje, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 30.8.2024 for taking instructions from the respondents.

MEMBER (A)

MEMBER (J)

M.A. NO. 310/2024 IN O.A. ST. 1327/2024
(Laxmibai B. Kasbe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Issue notice to the respondents in the Misc. Application, returnable on 14.10.2024.

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

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

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

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

7. S.O. to 14.10.2024.

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

MEMBER (A)

MEMBER (J)

M.A. NO. 396/2024 IN O.A. 949/2024
(Sonam B. Punekar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. All the applicants have applied for the post of Livestock Supervisor, Group-C and they have been selected in the recruitment process. Their names are appearing in the select list, however, the respondent authorities without exhausting the select list calling upon the persons in the waiting list for verification of documents. In this context the applicants have approached this Tribunal jointly on the same cause of action and for the same relief.

3. The learned Chief Presenting Officer submits that appropriate order may be passed.

4. In view of the same and for the reasons stated in the application, the present Misc. Application is allowed.

::-2-:: **M.A. NO. 396/2024 IN**
O.A. 949/2024

The applicants are hereby permitted to sue jointly by filing single Original Application filed by them, subject to payment of requisite court fees, if not paid.

5. The Misc. Application No. 396/2024 is accordingly disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 949/2024
(Sonam B. Punekar & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicants and Shri M.B. Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. The office has raised objection that the candidates, who will affect by decision of this Tribunal, are not arrayed as party respondents in the present O.A. However, grievance of the applicants is pertaining to document verification by the respondents in connection with the candidates, who are in the waitlist. In view of the same, the office objection does not stand and the same stands overruled.

3. At the request of learned counsel for the applicant, leave granted to delete the name of existing respondent no. 2 i.e. 'the Commissioner of Agriculture, Maharashtra State, Pune' from the array of respondents and instead include name of 'the Commissioner of Animal

Husbandry, Pune' as party respondent no. 2. The said amendment be carried out within a period of 01 week.

4. After amendment is carried out, issue notice to the respondents, returnable on 26.9.2024. **In the event, which is not possible according to us, if any candidate from waitlist is appointed without exhausting the select list, then appointment of such candidate will be subject to outcome of the present Original Application.**

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

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

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

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date.

Applicants are directed to file affidavit of compliance and notice.

9. S.O. to 26.09.2024.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 553/2024
(Savita S. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Leave to file typed copy of annexure A-3 granted.
3. S.O. to 2.9.2024.

MEMBER (A)

MEMBER (J)

M.A. NO. 81/2020 IN O.A. ST. NO. 2435/2019
(Dipali N. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay caused in filing the accompanying O.A. Time granted.

3. S.O. to 12.9.2024.

MEMBER (A)

MEMBER (J)

M.A. NO. 292/2023 IN O.A. ST. NO. 977/2023
(Suresh L. Gore Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay caused in filing the accompanying O.A. Time granted.

3. S.O. to 12.9.2024.

MEMBER (A)

MEMBER (J)

M.A. NO. 202/2020 IN O.A. ST. NO. 443/2020
(Ram L. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant seeks time to file synopsis of events to explain the delay caused in filing the accompanying O.A. along with the relevant documents. Time granted.

3. S.O. to 13.9.2024.

MEMBER (A)

MEMBER (J)

C.P. NO. 47/2019 IN O.A. NO. 364/2016
(Radrapa L. Lungare & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 1.10.2024 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.923/2024 WITH
CAVEAT NO.32/2024
(Vivek V. Jamdhade & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 29.08.2024

ORAL ORDER :

Heard Mr. Ajay Deshpande, learned counsel for the applicants, Mr. M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Ms. Pradnya Talekar, learned Counsel holding for Mr. S.B.Talekar, learned Counsel for respondent no.4.

2. Learned Counsel for applicants is repeatedly pressing the O.A. for grant of interim relief. Learned Counsel for respondent no.4 and learned CPO submit that on the last date, learned Counsel for applicants though extensively argued the matter for grant of interim relief, however, by order dated 23-08-2024, the Tribunal has issued notice to the respondents. It further appears that, even the applicants have not bothered to collect the notices. Learned Counsel for the applicants at this stage

=2= O.A.923/24 WITH CAVEAT 32/24

submits that notices were not prepared till yesterday, therefore, those could not be collected. However, in terms of the said order, it is clear that the Tribunal had chosen to issue notice to the respondents.

3. Learned Counsel Ms. Talekar appearing for respondent no.4 and Mr. Bharaswadkar, learned CPO appearing for respondent nos.1 to 3 have sought time for filing affidavit in reply.

4. S.O. to 05.09.2024.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO.262/2017
(Trimbak G. Phasle Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned Counsel for applicant pointed out that, in the order dated 29-11-2021 in paragraph 3, this Tribunal has observed about pending departmental enquiry after its remand and further directed the Collector, Beed to comply the order dated 02-05-2016 passed by the Divisional Commissioner, Aurangabad within a period of four weeks and submit report thereon to the Tribunal on the next date of hearing.

3. Learned Counsel for applicant and learned P.O. have no knowledge about what happened thereafter. Learned Counsel submits that applicant is at present 75 years of age and so-called departmental enquiry is yet to be concluded. Learned P.O. is directed to take specific instructions in this regard within a period of a week.

4. S.O. to 05.09.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.664/2017
(Shaikh Kalim Shiakh Mannu Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Arguments of both sides are heard. Reserved for order.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO.149/2018
(Dhananjay L. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri M.B.Kolpe, learned counsel for the applicant is **absent**. Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities is present.

2. None present for applicant. It appears that, when the matter was lastly called on 28-07-2024 applicant as well as learned Counsel for applicant both remained absent. On many occasions applicant and his learned Counsel both remained absent.

3. S.O. to 11.11.2024 for passing necessary order.

MEMBER (A)
YUK ORAL ORDER 29.08.2024

MEMBER (J)

ORIGINAL APPLICATION NO.185/2018
(Vasant S. Bagde Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Sunil B. Jadhav, learned counsel for the applicant is **absent**. Shri V.G.Pingle, learned Presenting Officer for the respondent authorities is present.

2. Today, none present for applicant. On the last dates i.e. on 23-02-2024, 18-03-2024, 18-04-2024, 12-06-2024, 03-07-2024 and 29-07-2024 applicant as well his learned Counsel both remained absent.

3. S.O. to 03.10.2024 for passing necessary orders.

MEMBER (A)
YUK ORAL ORDER 29.08.2024

MEMBER (J)

ORIGINAL APPLICATION NO.242/2018
(Smt. Sayeeda Begum Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Ashish Rajkar, learned Counsel holding for Smt. U.T.Pathan, learned counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for applicant, S.O. to 05.09.2024 for hearing.

MEMBER (A)
YUK ORAL ORDER 29.08.2024

MEMBER (J)

ORIGINAL APPLICATION NO.141/2019

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

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 29.08.2024

ORAL ORDER :

Shri Ajay Deshpande, learned Counsel for the applicants and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 19.09.2024 for hearing.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO.16/2022
(Vd. Piyush K. Gandhi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri M.R.Kulkarni, learned Counsel for respondent nos.4 to 7, are present.

2. Keep this matter together with O.A.No.595/2022.

3. By consent of parties, S.O. to 05.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.919/2022
(Rahul R. Burrewal Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Vijay A. Dhakne, learned counsel for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. None present for the applicant.
3. S.O. to 04.10.2024.

MEMBER (A)

MEMBER (J)

M.A.NO.580/2023 IN O.A.NO.1007/2023
[Priyanka P. Lagad & Ors. Vs. State of Maharashtra & Ors.,
Shrikant U. Jadhav & Ors. (inO.A.)]

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Shabbeer A. Mulla, learned counsel for the applicants in M.A./Interveners is **absent**.

Shri A.V.Thombre, learned Counsel holding for Shri L.V.Sangit, learned Counsel for applicants in O.A. and Shri V.G.Pingle learned Presenting Officer for the respondent authorities, are present.

2. None present for applicants/ interveners in M.A.580/2023. Intervention application will be considered along with O.A.

3. S.O. to 12.09.2024.

MEMBER (A)

MEMBER (J)

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. Learned Counsel for the petitioner submits that during the pendency of this contempt petition, respondent no.2 has retired and at present Shri Prakash Baburao Khaple is working as Commissioner, Soil & Water Conservation, Aurangabad. Learned Counsel for petitioner seeks leave to implead Shri Prakash Baburao Khaple as party respondent. Leave granted. Necessary amendment be carried out.

3. After amendment as above is carried out, issue notice to added respondent, returnable on 06.09.2024.

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

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

=2= C.P.NO.05/2024 IN O.A.NO.739/2023

book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 06.09.2024.

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

MEMBER (A)

MEMBER (J)

YUK ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO.906/2016
(Dr. Atul Ladwanjari & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

None appears for the applicant.

Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities and Shri Hemraj P. Kshirsagar, learned Counsel for respondent no.4, are present.

2. At the request of learned Chief Presenting Officer, S.O. to 26-09-2024

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.256/2018
(Avinash Chandra & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

None appears for the applicant.

Shri V.G.Pingle, learned Presenting Officer for the respondent authorities is present.

2. Despite service of personal notice on the applicant in terms of the order dated 22-12-2022, none appears for the applicant.

3. S.O. to 11.11.2024 for passing necessary order.

MEMBER (A)

MEMBER (J)

O.A.NO.299/2019 WITH CAVEAT NO.30/2023
(Rahul T. Pol & Ors. Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.463/2021
(Payal P. Tathe Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Ku. Preeti Wankhade, learned Counsel for applicants in both cases is **absent**.

Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities respective cases is present.

2. None present for the applicant. Learned C.P.O. requested to take instructions whether the present matters have become infructuous due to passage of time.

3. S.O. to 03.09.2024.

MEMBER (A)

MEMBER (J)

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

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Swapnil A. Deshmukh, learned counsel for the applicants and Shri M.B.Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel for the applicants submits that, he has now received copy of the reply as learned CPO has given copy of the same today itself before the Tribunal.

3. Learned Counsel seeks time to go through the reply and think about filing of affidavit in rejoinder, if any.

4. S.O. to 20.09.2024.

MEMBER (A)
YUK ORAL ORDER 29.08.2024

MEMBER (J)

M.A.NO.357/2023 IN O.A.NO.06/2023
(The State of Maharashtra & Ors. V/s. Pandurang G. Lomole)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri V.G.Pingle, learned Presenting Officer for the applicants in M.A./respondent authorities in O.A. and Shri V.B.Wagh, learned counsel for the respondent in M.A./ applicant in O.A., are present.

2. S.O. to 13.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO.958/2022
(Vasant S. Tupkari Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

YUK ORAL ORDER 29.08.2024

**M.A.NO.146/2020 WITH M.A.ST.NO.418/2020 IN
O.A.ST.NO.419/2020**

**(Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari
Sanghatana through its President Ramesh N. Shinde Vs. State of
Maharashtra & Ors.)**

M.A.NO.55/2021 IN O.A.ST.NO.363/2020

(Dnyanba N. Dhapse & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Gaurav L. Deshpande, learned counsel for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. None present for the applicant.
3. S.O. to 27.09.2024.

MEMBER (A)

MEMBER (J)

LATER ON

4. Learned Counsel Shri Gaurav L. Deshpande appeared before the Tribunal and requested for earlier date.
5. Hence, S.O. tomorrow i.e. 30.08.2024.

MEMBER (A)

MEMBER (J)

M.A.NO. 394/2024 IN O.A.NO. 945/2024
(Shaikh Mohammed Farooq Mohammed Mastan Vs. State of Maharashtra & Ors.)

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

DATE : 29.08.2024

ORAL ORDER :

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

2. Issue notice to respondents in M.A., returnable on 06.09.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// M.A. 394/2024 in
O.A. 945/2024

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

7. S.O. to 06.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 924 OF 2024
(Shobhabai Omprakash Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 29.08.2024

ORAL ORDER :

Heard Shri V.R. Jain, learned counsel for the applicant and Shri A.P. Basarar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 03.10.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 924/2024

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

7. S.O. to 03.10.2024.

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

MEMBER (J)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 958 OF 2024
(Deepak Uttamrao Pardhe Vs. State of Maharashtra & Ors.)

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

DATE : 29.08.2024

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 12.09.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

//2// O.A. 958/2024

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

7. S.O. to 12.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 710 OF 2018
(Rajendra S. More Vs. State of Maharashtra & Ors.)

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

DATE : 29.08.2024

ORAL ORDER :

Shri P.B. Patil, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.
3. S.O. to 18.09.2024 for production of citations by the parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 133 OF 2021
(Balasaheb A. Chivate Vs. State of Maharashtra & Ors.)

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

DATE : 29.08.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. This is a part heard matter.

3. By consent of both the sides, S.O. to 06.09.2024 for further hearing.

MEMBER (J)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 795 OF 2022
(Dr. Vishwanath S. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 29.08.2024

ORAL ORDER :

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

2. This is a part heard matter.
3. Learned P.O. seeks time to file the additional affidavit in reply to the amended O.A. Time granted as a last chance.
4. S.O. to 26.09.2024 for further hearing.

MEMBER (J)

**M.A.NO. 329/2024 IN M.A.NO. 529/2023 IN
O.A.NO. 1112/2022 WITH Caveat No. 40/2022
(The State of Maharashtra & Ors. Vs. Mohammad Raza
Khan)**

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

DATE : 29.08.2024

ORAL ORDER :

Shri A.P. Basarkar, learned Presenting Officer for the applicants in M.A.No. 329 of 2024 / original respondents, Shri A.S. Deshmukh, learned counsel for the applicant in M.A. 529/2023 & O.A. 1112/2022/ respondent in M.A. 329 of 2024 and Shri M.B. Bharaswadkar, learned counsel for respondent No.3 in O.A.No. 1112/2022, are present.

2. Learned Present Officer and learned counsel for the applicant shall take instructions as to whether the post where the applicant was transferred by the impugned transfer order is still vacant or not.

3. Learned P.O. shall also take instructions as to whether the impugned transfer order can be modified by considering the representation submitted by the applicant with the State Government.

4. S.O. to 02.09.2024 for hearing. The interim relief granted earlier to continue till then.

MEMBER (J)

**ORIGINAL APPLICATION NO. 767 OF 2023
(Krishna S. Borde Vs. State of Maharashtra & Ors.)**

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 20.09.2024 for hearing.

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

MEMBER (A)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 768 OF 2023
(Appasaheb S. Abak Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Vishal Rathod, learned counsel holding for Shri S.B. Patil, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 20.09.2024 for hearing.

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

MEMBER (A)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 1035 OF 2023
(Asha M. Raut Legal heir/widow of late Mohan B. Raut Vs.
State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Vishnu Kande, learned counsel holding for Shri S.T. Chalikwar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits affidavit in rejoinder. The same is taken on record and copy thereof is given to learned P.O.

3. S.O. to 20.09.2024 for hearing.

MEMBER (A)

**ORIGINAL APPLICATION NO. 227 OF 2024
(Sandhya P. Shinde Vs. State of Maharashtra & Ors.)**

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 13.09.2024 for hearing.

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

MEMBER (A)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 399 OF 2024
(Vijay L. Chavan Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 436 OF 2024
(Ashok R. Kashid Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicants in both the O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in both the O.As., are present.

2. By consent of both the sides, S.O. to 23.09.2024 for hearing.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 435 OF 2024
(Ganesh P. Sonawane Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 23.09.2024 for hearing.

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

MEMBER (A)

ORIGINAL APPLICATION NO. 395 OF 2024
(Nagnath S. Salegaonkar Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri P.B. Kadam, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present. None present for respondent No.2.

2. Learned P.O. submits affidavit in reply on behalf of respondent No.1 along with spare copy for the other side. The same is taken on record.

3. S.O. to 08.10.2024 for filing affidavit in rejoinder, if any.

MEMBER (A)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 565 OF 2024
(Dr. Shivaji J. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri G.L. Deshpande, learned counsel for respondent No.5, are present.

2. At the request made on behalf of respondents, time granted for filing affidavit in reply.
3. S.O. to 19.09.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

SAS ORAL ORDER 29.08.2024

**ORIGINAL APPLICATION NO. 869 OF 2024
(Asha D. Wagh Vs. State of Maharashtra & Ors.)**

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Shir H.P. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 19.09.2024. The status quo granted earlier to continue till then.

MEMBER (A)

SAS ORAL ORDER 29.08.2024

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

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 29.08.2024

ORAL ORDER :

Ms. V.S. Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

Shri A.S. Khande, learned counsel for respondent No.4, **absent**.

2. Since nobody appears for respondent No.4, S.O. to 06.09.2024 for hearing.

MEMBER (A)

SAS ORAL ORDER 29.08.2024

ORIGINAL APPLICATION NO. 980 OF 2024
(Dhananjay Suresh Rao Tadlimbekar Vs. State of Maharashtra & Ors.)

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

DATE : 29.08.2024

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that applicant is working as Senior Clerk with the department of Fisheries since the date of his appointment i.e. 06.01.2010. Learned counsel submits that applicant is the nominee of Freedom Fighters and in terms of Government Circular dated 04.03.1991, the applicant came to be appointed on the post of Senior Clerk with department of Fisheries.

3. Learned counsel for the applicant submits that the Government has issued G.R. dated 28.08.2024 by giving reference of Government Circular dated 25.08.2005 issued on the basis of certain directives issued by the Hon'ble Supreme Court. Learned

//2//

O.A. No. 940/2024

counsel has pointed out Government Circular dated 04.03.1991 (Annexure A-2), so also, Government Circular dated 25.08.2005 (Annexure A-5). Learned counsel submits that in view of said G.R. dated 28.08.2024 (Annexure A-1), the applicant, who came to be appointed on substantive post way back in the year 2010 on the post of Senior Clerk directly considering his qualification, the applicant in all probability is likely to be terminated.

4. We have carefully gone through the G.R. dated 28.08.2024 (Annexure A-1), so also, Government Circular dated 25.08.2005 (Annexure A-5). On careful perusal of the said Government Circular dated 25.08.2005 (Annexure A-5), it appears that the same is in connection with the regularization and appointment. In the said Circular dated 25.08.2005, the ratio laid down by the Hon'ble Supreme Court is referred as, "*those who come by back door should go through that door and regularization further cannot be given to the employees, whose services are ad-hoc in nature.*"

//3//

O.A. No. 940/2024

5. In the instant matter, though the applicant came to be appointed on the post of Senior Clerk directly on the basis of Freedom Fighter's nomination, however, the same has been done in terms of Government Circular dated 04.03.1991 (Annexure A-2). On careful perusal of the G.R. dated 28.08.2024, particularly para No. 2, we feel that the apprehension expressed by the applicant about his termination is well founded. In view of the same, we are inclined to grant interim relief in terms of prayer clause X(D).

6. Issue notices to the respondents, returnable on 10.09.2024. **Till then, interim relief in terms of prayer clause X(D) is hereby granted, which is as under :-**

“D) By way of the Interim Relief the Hon’ble Tribunal may kindly be pleased to direct the respondents to not to take any coercive action as against the original Applicant in the light of the impugned Government resolution dated 28.08.2024 bearing No. NAMNI-2024/PRA.KRA. 72/SWASAIKA-1 passed by the respondent No. 1 in the present Original Application.”

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

//4//

O.A. No. 940/2024

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

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

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

11. S.O. to 10.09.2024.

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

MEMBER (A)

KPB ORAL ORDER 29.08.2024

MEMBER (J)