

ORIGINAL APPLICATION NO.766/2016
(Rambhau Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri A.D.Sugdare, learned Advocate for the Applicant and Shri B.S.Deokar, learned Presenting Officer for the Respondent no.1. Shri Vinod Patil, learned Advocate appears on behalf of Smt. Anita Shelke learned Advocate for respondent nos.2 and 3.

2. Shri S.D.Dhongde learned Advocate states that he has no instructions to appear on behalf of the respondent nos.2 and 3 and prays for leave to withdraw his Vakalatnama and appearance. Leave as prayed for is granted. Hereinafter Shri S.D.Dhongde learned Advocate may not appear on behalf of the respondent nos.2 and 3 and his Vakalatnama stands withdrawn.

3. Shri Vinod Patil, learned Advocate appears on behalf of Smt. Anita Shelke learned Advocate for respondent nos.2 and 3. He states that Smt. Shelke may file Vakalatnama on the next date on behalf of respondent nos.2 and 3.

4. Both the parties have prayed for adjournment. This matter may not be treated as part heard. It may be fixed for re-hearing on the next date.

5. S.O. to 20-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.556/2021
(Vasudeo Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Vinod Patil, learned Advocate for the Applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned Advocate for the applicant has argued that the Charity Commissioner should decide the proposal of Deputy Charity Commissioner dated 15-06-2021 about relieving the applicant from the post of Accountant in the office of Deputy Charity Commissioner, Jalgaon.

3. It is noticed that the applicant has not submitted any application for resignation from the post in the office of Charity Commissioner on the basis of which Charity Commissioner can decide the matter of relieving the applicant. Office of Charity Commissioner and Zilla Parishad, Jalgaon are two different entities and without quitting one post in the office of Charity Commissioner, the applicant cannot simply walk away and go and join in the establishment of Zilla Parishad as Village Development Officer. Therefore, it is evident that the O.A. is premature.

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O.A.NO.556/2021

4. In view of the above facts and circumstances of the case, O.A. stands disposed of being premature. There shall be no order as to costs.

MEMBER (A)

YUK ORAL ORDERS 29.09.2021

ORIGINAL APPLICATION NO.590/2021
(Rajendra Dhangare Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Vinod Patil, learned Advocate for the Applicant and Smt. Deepali Deshpande, learned Presenting Officer for the Respondents.

2. It has been brought to the notice of learned Advocate for the applicant that certain statements have been made about transfer of one Shri S.K.Manhwar being without eligibility and adverse comments are being made.

3. Learned Advocate for the applicant concedes to it and prays for leave to join Shri S.K.Manhwar as party respondent no.6. Leave as prayed for is granted. Learned Advocate for the applicant shall add Shri S.K.Manhwar as party respondent no.6.

4. Learned P.O. assures to get minutes of the meeting of Civil Services Board within a week's time after service of notice on the respondents.

5. After addition of respondent no.6 Shri S.K.Manhwar as party respondent no.6, issue notice to the respondents, returnable on 27.10.2021.

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O.A.NO.590/2021

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

7. 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.

8. 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.

9. 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.

10. S.O. to 27.10.2021.

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

MEMBER (A)

ORIGINAL APPLICATION NO.45/2019
(Sitaram Bhokare Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Balaji Shinde learned Advocate holding for Shri S.D.Kulkarni, learned Advocate for the Applicant and Shri N.U.Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. has submitted that he is yet to get instructions from the respondents and accordingly he has prayed for time for filing sur-rejoinder to counter affidavit in rejoinder filed by the applicant, if necessary.

3. S.O. to 22-10-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.495/2021
(Vaibhav Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Balaji Shinde, learned Advocate for the Applicant and Smt. M.S.Patni, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant states that notices are served on the respondents and he will file service affidavit.

3. Learned Advocate for the applicant is advised to submit service affidavit in the Registry.

4. Learned P.O. seeks time for filing affidavit in reply on behalf of the respondents. Time is granted.

5. S.O. to 27-10-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.133 OF 2020
(Alka S. Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned C.P.O., time is granted as a last chance for filing affidavit-in-reply on behalf of the respondent nos.1 & 3.

3. S.O. to 12.10.2021 as a last chance.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.208 OF 2021
(Dnyaneshwar B. Biradar Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

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

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

3. S.O. to 13.10.2021 as a last chance.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.218 OF 2021
(Mahamad Husain Tayyabsaheb Inamdar Vs. State of
Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Dr. Swapnil Tawshikar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

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

3. S.O. to 18.10.2021 as a last chance.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.284 OF 2021
(Jitendra S. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent no.2.

3. As none present on behalf of the applicant, S.O. to 07.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.300 OF 2021
(Aabasaheb B. Ghayal Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

Shri Kiran G. Salunke, learned Advocate for the applicant is **absent**. Heard Shri M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondent no.2.

3. As none present on behalf of the applicant, S.O. to 07.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.335 OF 2021
(Dyaneshwar B. Bulbule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Kailas B. Bhise, learned Advocate for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent nos.1 to 16. None present on behalf of the respondent nos. 17 to 20 (private respondents), though duly served.

2. Affidavits-in-reply filed on behalf of respondent nos.2 & 3 jointly and on behalf of respondent no. 7 separately are taken on record and copies thereof have been served on the other side.

3. Learned P.O. seeks time for filing affidavit-in-reply on behalf of remaining respondents. Time is granted as a last chance.

4. Learned Advocate for the applicant seeks time to file affidavit-in-rejoinder, if any. Time is granted.

5. S.O. to 16.11.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. for the respondents submits that the affidavit-in-reply of respondent nos.1 & 2 is in transit. Therefore, he seeks short time for filing affidavit-in-reply on behalf of respondent nos.1 & 3. Time is granted.

3. Learned C.P.O. also seeks time for filing affidavit-in-reply on behalf of respondent no.3. Time is granted.

4. S.O. to 13.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.455 OF 2021
(Anil T. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Abhijeet Bankar, learned Advocate holding for Shri S.D. Kotkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 18.10.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.463 OF 2021
(Payal P. Tathe Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

3. S.O. to 29.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.254 OF 2021 IN O.A.NO.192 OF 2021
(Suresh B.Lande Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

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

2. Record shows that this Misc. Application is pending for filing affidavit-in-reply of respondents. However, affidavit-in-reply is not filed on behalf of the respondents.

3. Perusal of the Misc. Application would show that it is made to bring on record subsequent development which took place during pendency of the Original Application in respect of subject matter.

4. The Original Application is filed for seeking appointment as Dental Hygienist from Open category on vacant post as per merit list dated 19.04.2021. It is submitted that during the pendency of this Original Application, the respondent no.2 published the advertisement dated 21.05.2021 for various posts including the post of Dental Hygienist for total nine posts.

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M.A.254/2021 In
O.A.192/2021

5. Considering the abovesaid facts, in the circumstances, we are of the opinion that the proposed amendment is necessary to determine the real controversy between the parties and the proposed amendment is not going to change the nature of proceedings.

6. In view of above, the Misc. Application is allowed. The applicant to carry out amendment within a period of one week and amended copy be served upon the respondents. No order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.192 OF 2021
(Suresh B.Lande Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 20.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.257 OF 2021 IN O.A.NO.252 OF 2021
(Arati A. Ghatkar Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

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

2. Record shows that this Misc. Application is pending for filing affidavit-in-reply of respondents. However, affidavit-in-reply is not filed on behalf of the respondents.

3. Perusal of the Misc. Application would show that it is made to bring on record subsequent development which took place during pendency of the Original Application in respect of subject matter.

4. The Original Application is filed for seeking appointment as Dental Hygienist from S.T. category on vacant post as per merit list dated 19.04.2021. It is submitted that during the pendency of this Original Application, the respondent no.2 published the advertisement dated 21.05.2021 for various posts including the post of Dental Hygienist for total nine posts.

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M.A.257/2021 In
O.A.252/2021

5. Considering the abovesaid facts, in the circumstances, we are of the opinion that the proposed amendment is necessary to determine the real controversy between the parties and the proposed amendment is not going to change the nature of proceedings.

6. In view of above, the Misc. Application is allowed. The applicant to carry out amendment within a period of one week and amended copy be served upon the respondents. No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.252 OF 2021
(Arati A. Ghatkar Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

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

2. At the request of learned P.O., time is granted for filing affidavit-in-reply on behalf of the respondents.
3. S.O. to 20.10.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.33 OF 2019 IN O.A.NO.678 OF 2017
(Makrand S. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Asif Ali, learned Advocate holding for Smt. A.N. Ansari, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Learned P.O. for the respondents submits that the draft affidavit-in-reply is ready and he seeks time for finalizing it. Time is granted.

3. S.O. to 26.10.2021.

MEMBER (A)

MEMBER (J)

C.P.NO.40 OF 2019 IN O.A.NO.798 OF 2018
(Rejendrakumar P. Barhate Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Shri Sachin S. Deshmukh, learned Advocate for the applicant is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present on behalf of the applicant, S.O. to 18.11.2021 for passing necessary order.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.138 OF 2018
(Tushar B. Chikhale Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The present Original Application is filed for seeking regularization of services as a Lecturer from 1997.

3. Learned Advocate for the applicant submits that earlier the Original Application No.117 of 2015 was filed by the applicant along with three other applicants before the principal bench of this Tribunal at Mumbai. The said Original Application No.117 of 2015 with another Original Application No.201 of 2015 were dismissed by order dated 02.05.2016 on merit. Thereafter, the present Original Application has filed in the year, 2018.

4. The applicant has presented application on record for seeking withdrawal of the present Original Application contending that the Applicant has preferred Writ Petition No.5065/2018 before the Hon'ble High Court of judicature at Bombay challenging the order dated 02.05.2016 passed in the O.A.No.117 of 2015. He wants to pursue the

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O.A.138/2018

remedy in the Writ Petition before the Hon'ble High Court at Bombay.

5. Hence, he seeks permission to withdraw the present Original Application with liberty to file a fresh application, if new cause of action arises.

6. We have no reason to refuse the permission to withdraw the Original Application. Hence, permission is granted to withdraw the present Original Application with liberty to file a fresh application, if new cause of action arises.

7. Accordingly, the Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.615 OF 2018
(Desai T.Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Ms. Anagh Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Record shows that the pleadings upto rejoinder are complete. The matter is relating to regularization of services. It is admitted and fixed for final hearing on 22.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.154 OF 2021
(Surendra H. Gandam Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Smt. Shailaja Pande, learned Advocate holding for Shri Santosh Ghitgopekar, 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 22.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.198 OF 2021
(Umesh A. Bavare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent nos.1 to 8 and Shri S.R. Shirsath, learned Advocate for the respondent nos.9 to 15.

2. Affidavit-in-reply of newly added respondent nos.9 to 15 is taken on record and copy thereof has been served on the other side.

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

4. S.O. to 27.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.210 OF 2020 IN O.A.NO.57 OF 2020
(Vrushali B. Tambe Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

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

2. Record shows that by order dated 27.08.2021 learned P.O. was directed to produce on record minutes of the Competent Authority, who prepared the seniority list in question.

3. It appears that the said papers are produced on record by learned P.O. on 14.09.2021. But nothing is mentioned on farad sheet dated 14.09.2021 about the same. The said documents are marked 'X' for identification.

4. Learned Advocate for the applicant submits that he has received the coy of said document marked 'X' for identification.

5. Record further shows that learned P.O. has also produced on record G.R. dated 06.08.2021 which is list of candidates who were temporarily promoted. It is marked 'X-1' for identification.

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**M.A.210/2020 In
O.A.57/2020**

6. Learned Advocate further submits that he has received the copy of said document marked 'X-1' for identification.

7. The documents marked 'X' and 'X-1' be placed in Original Application.

8. The present matter is reserved for order.

MEMBER (A)

MEMBER (J)

**M.A.NO.174 OF 2017 IN O.A.ST.NO.588 OF 2017
(Aasaram S. Chormare Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 26.10.2021.

MEMBER (A)

MEMBER (J)

**M.A.NO.154 OF 2021 IN O.A.ST.NO.297 OF 2021
(Baliram S. Sapkale & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 27.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.653 OF 2018
WITH
ORIGINAL APPLICATION NO.654 OF 2018
(Gorakshnath N. Londhe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, learned Advocate for the applicants in both the O.As. and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents in both the O.As.

2. By consent of both the sides, S.O. to 27.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.372 OF 2018
WITH
ORIGINAL APPLICATION NO.517 OF 2018
WITH
ORIGINAL APPLICATION NO.47 OF 2019
(Shankar J. Khedkar & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicants in all the O.As., Shri M.S. Mahajan, learned Chief Presenting Officer for the respective respondents in respective O.As., Shri Avinash S. Deshmukh, learned Advocate for the respondent nos.4 to 7 in O.A.No.517 of 2018 and Shri S.E. Arora, learned Advocate for the respondent no.4 in O.A.No.47 of 2019.

2. Due to paucity of time, S.O. to 22.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.849 OF 2018
(Dr. Vinod A. Kakade Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri S.G. Chapalgaonkar, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Affidavit-in-sur-rejoinder filed by the respondent no.1 is taken on record and copy thereof has been served on the other side.

3. S.O. to 08.10.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.76 OF 2019
(Nilesh S. Badgular Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Nilesh S. Badgular, applicant in person and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 01.10.2021 for final hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 304/2021 in O.A. St. No. 1240/2021
(Bhima D. Chavan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Y.H. Jadhav, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. By this Misc. Application, the applicants are seeking permission to sue the respondents jointly.

3. It is the case of the applicants that they are working as Majority Forest Labour as Group-D employee with the respondent authorities i.e. the department of Forest. As per the G.R. dated 16.10.2012 issued by the respondent No. 1, the daily wages labours, who have worked at least for five years from 01.11.1994 to 30.06.2004 should be included in the service of Government as Forest Labour. The names of present applicants appeared in the list prepared by the respondent No. 5 of daily labours, who have completed five years of service as on the date of 30.06.2004. In view of the same, the applicants are entitled for benefits arising out of G.R. dated

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M.A. 304/2021 in
O.A. St. 1240/2021

16.10.2012. The applicants have filed O.A. seeking monetary relief as per the said G.R. dated 16.10.2012.

4. Hence, the relief sought for by the applicants is similar in nature. In the circumstances, in order to avoid multiplicity of proceedings, permission is granted to the applicants to sue the respondents jointly, subject to payment of court fee stamps, if not paid.

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

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

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1240 OF 2021
(Bhima D. Chavan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri Y.H. Jadhav, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 28.10.2021.

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.

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O.A. St. 1240/2021

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 28.10.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present matter be placed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 1087 OF 2019
(Ravindra B. Chobe Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 1 to 4.

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

4. The present matter is pertaining to recovery of excess amount. Hence, the present O.A. is admitted and it be kept for final hearing on 28.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 577 OF 2020
(Kailas B. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 28.10.2021.

MEMBER (J)

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

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

DATE : 29.09.2021

ORAL ORDER :

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

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

3. S.O. to 29.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 400 OF 2021
(Shaikh Imroj Shaikh Riyaz Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri N.N. Bhagwat, learned Advocate holding for Shri C.K. Shinde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. S.O. to 29.10.2021.

MEMBER (J)

M.A. No. 71/2021 in O.A. No. 80/2021
(State of Maharashtra & Ors. Vs. Bhimrao N. Kokate)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A. /respondents in O.A. and Shri V.G. Pingle, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for the respondent in the present M.A. / applicant in O.A.

2. At the request of learned Advocate for the respondent in the present M.A. / applicant in O.A., S.O. to 18.10.2021.

MEMBER (J)

M.A. No. 249/2019 in O.A. St. No. 1026/2019
(Madhukar K. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

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

2. The present Misc. Application is closed for orders.

MEMBER (J)

M.A. No. 275/2021 in O.A. No. 77/2020
(Mahesh S. Khedkar Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri C.T. Jadhav, 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 and 3 in M.A. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate for the applicant however, seeks permission to withdraw the present Misc. Application for amendment contending that there are some formal defects in it with liberty to file fresh application for amendment.

4. In the interest of justice, permission is granted to the applicant to withdraw the present Misc. Application with liberty to file appropriate application for amendment.

5. Accordingly, the M.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 77 OF 2020
(Mahesh S. Khedkar Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

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

2. S.O. to 13.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 515 OF 2020
(Aniket D. Rakh Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

Heard Shri B.R. Kedar, 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 12.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 851 OF 2019
(Ravindra R. Gite Vs. State of Maharashtra & Ors.)

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

DATE : 29.09.2021

ORAL ORDER :

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

2. Today, learned Advocate for the applicant during the course of arguments produced on record a copy of Circular dated 08.11.2017 issued by the Special Inspector General of Police (Establishment), D.G.P. Office, Maharashtra State, Mumbai. Same is taken on record.

3. Learned Presenting Officer submits that he will produce original record to show the compliance of this Circular dated 08.11.2017 and therefore, he seeks time. Time granted.

4. The present matter is to be treated as part heard.

5. S.O. to 12.10.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 264/2019
(Supadu V. Bhalerao Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.09.2021

ORAL ORDER :

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

2. It is noticed from the record that the applicant had already been promoted to the post of Sales Tax Inspector on 31.1.1996 i.e. prior to issuance of G.R. bearing No. क्तिआ-१२९५/१४६/९५/प्रशाक-८, dated 11.3.1996 and therefore the contentions of the applicant that he should also be entitled to get benefit of abolition of post of Senior Clerk in view of G.R. dated 11.3.1996, does not have merit. However, it is noticed that though the applicant is senior to those who got the benefit of the said G.R. dated 11.3.1996, still their pay scale has finally been fixed at higher level than the applicant, who was senior to them and joined the service much before them. In view thereof, the applicant is also seeking benefit of G.R. bearing No. वेपुर १२१०/प्र.क.१२४(भाग-१)/सेवा-९, dated 9.2.2016 (Annex. A-14 page 73 of paper book).

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O.A. NO. 264/2019

3. The respondent nos. 1 to 3 in their affidavit in reply have contested the claim of the applicant by their averments in parano. 4 thereof.

4. In my view, this needs detailed adjudication of that G.Rs. and the case of the applicant. Therefore, the present matter be treated as part heard.

5. S.O. to 6.10.2021.

MEMBER (A)

Date : 29.9.2021
M.A. 315/2021 IN O.A. ST. 1338/2021
(Chandrashekhar S. Iyer V/s State of
Maharashtra & Ors.)

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

1. Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents in M.A., returnable on 30.10.2021. The case be listed for admission hearing on 30.10.2021.
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

Date : 29.9.2021

O.A. 596/2021

(Uday H. Patil V/s State of Maharashtra & Ors.)

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

1. Shri Yogesh P. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned P.O. for respondents, are present.

2. Circulation is granted. Issue notice to the respondents, returnable on 30.10.2021. The case be listed for admission hearing on 30.10.2021.

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

Date : 29.9.2021

O.A. 585/2021

(Latabai D. Avhad V/s State of Maharashtra & Ors.)

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

1. Shri D.K. Dagadkhair, learned Advocate for the applicant and Shri I.S. Thorat, learned P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 28.10.2021. The case be listed for admission hearing on 28.10.2021.
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

Date : 29.9.2021

O.A. 586/2021

(Prakash I. Sarode V/s State of Maharashtra & Ors.)

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

1. Shri D.K. Dagadkhair, 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 28.10.2021. The case be listed for admission hearing on 28.10.2021.
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

DATE : 29.09.2021

ORIGINAL APPLICATION NO. 594 OF 2021

(Dr. Meena R. Jadhav (Nimbalkar)Vs. The State of Maharashtra & Ors.)

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

1. Shri Kalyan Patil, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 29.10.2021. The case be listed for admission hearing on 29.10.2021.
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

DATE : 29.09.2021

ORIGINAL APPLICATION NO. 595 OF 2021

(Indirakant N. Bhalerao Vs. The State of Maharashtra & Ors.)

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

1. Shri Ajay Deshpande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 29.10.2021. The case be listed for admission hearing on 29.10.2021.
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

KPB – REGISTRAR NOTICE