

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

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

DATE : 29.10.2021

ORAL ORDER :

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

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

3. S.O. to 01.12.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 322 OF 2021
(Kantilal K. Naglod Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri A.A. Khande, learned Advocate for the Applicant and Shri S.K. Shirse, 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 02.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 368 OF 2021
(Nanda M. Paul and Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021.

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 : 29.10.2021

ORAL ORDER :

Heard Shri N.N. Bhagwat, learned Advocate holding for Shri C.K. Shinde, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021 for filing rejoinder affidavit, if any.

MEMBER (J)

**ORIGINAL APPLICATION NO. 438 OF 2021
(Sambhaji K. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for the Respondent No. 1 and Shri A.S. Mirajgaonkar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for respondent No. 2.

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

3. At the request of learned Advocate for respondent No. 2, S.O. to 25.11.2021 for filing affidavit in reply.

MEMBER (J)

ORIGINAL APPLICATION NO. 494 OF 2021
(Dr. Dhananjay K. Sawant Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Shri J.S. Deshmukh, learned Advocate for the Applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos. 1 to 3 and Shri S.D. Dhongde, learned Advocate holding for Shri Shamsunder B. Patil, learned Advocate for respondent No. 4.

2. At the request of learned P.O. for respondent Nos. 1 to 3 and learned Advocate for respondent No. 4, time is granted for filing affidavit in reply.

3. S.O. to 06.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 505 OF 2021
(Bhaskar V. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate holding for Shri G.N. Kulkarni, learned Advocate for the Applicant, Shri I.S. Thorat, learned Presenting Officer for the Respondent Nos. 1 and 2. Shri S.S. Ware, learned Advocate for respondent No. 4, **absent**.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

3. Learned Advocate Shri I.D. Maniyar, has filed **VAKALATNAMA** on behalf of respondent No. 3. Same is taken on record.

4. At the request of learned Advocate for respondent No. 3, time is granted for filing affidavit in reply.

5. S.O. to 06.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 575 OF 2021
(Dr. Sonali T. Gahave Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Mayur Salunke, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

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

3. S.O. to 06.12.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 576 OF 2021
(Atmaram M. Raut Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the Applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
3. S.O. to 08.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 609 OF 2021
(Nitin A. Mohan Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

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

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

3. S.O. to 08.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 616 OF 2021
(Mayus L. Sonawane Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

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

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

3. S.O. to 08.12.2021.

MEMBER (J)

**M.A. No. 337/2019 in O.A. St. No. 1116/2019
(Gopal M. Waghmare Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the Applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

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

3. S.O. to 03.12.2021.

MEMBER (J)

KPB ORAL ORDERS 29.10.2021

**ORIGINAL APPLICATION NO. 85 OF 2020
(Satwa N. Sangle Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri S.P. Dhobale, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 03.12.2021 for hearing. Interim relief granted earlier to continue till next dated.

MEMBER (J)

ORIGINAL APPLICATION NO. 142 OF 2021
(Santosh D. Chatupale (Lalte) Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for taking necessary steps as per the directions given by this Tribunal on 11.10.2021. Time granted.
3. S.O. to 08.12.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 256 OF 2021
(Smt. Priya A. Salve Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

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

3. Learned Advocate for the applicant placed on record a copy of G.R. dated 31.01.2014 and copy of the order passed by the Principal Seat of this Tribunal at Mumbai in O.A. No. 528/2021. Same are taken on record.

4. S.O. to 16.11.2021.

MEMBER (J)

**ORIGINAL APPLICATION NO. 302 OF 2020
(Rajesh M. Choudhary Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the Applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 07.12.2021 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 317 OF 2020
(Emam N. Mirza Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 07.12.2021.

MEMBER (J)

M.A. No. 352/2021 in O.A. No. 05/2021
(Dr. Kalimoddin A. Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri I.D. Maniyar, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 25.11.2021.

MEMBER (J)

KPB ORAL ORDERS 29.10.2021

ORIGINAL APPLICATION NO. 52 OF 2019
(Shabana Begum Amjad Khan Pathan Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Shaikh Wajeed Ahmed, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 26.11.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 422 OF 2019
(Syed Khaja Syed Meeran Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita A. Dhongde, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 03.12.2021 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 427 OF 2019
(Ranjeet S. Savale (Dhangar) Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the Applicant and Shri B.S. Deokar, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 06.12.2021 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 29.10.2021

**ORIGINAL APPLICATION NO. 844 OF 2019
(Raviraj R. Darak Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Vivek Bhavthankar, learned Advocate for the Applicant and Shri V.R. Bhumkar, learned Presenting Officer for the Respondents.

2. At the request and by consent of both the sides, S.O. to 30.11.2021 for final hearing.

MEMBER (J)

KPB ORAL ORDERS 29.10.2021

ORIGINAL APPLICATION NO. 592 OF 2021
(Khandu Honaji Wane Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. The present Original Application is filed by the applicant challenging the impugned order of recovery dated 10.06.2021(Annexure A-1) thereby down-grading the pay scale of the applicant and directing the recovery of excess amount paid to the applicant for the period from 01.04.2010 to 31.12.2018. He is seeking interim relief of stay also.

3. The applicant was initially appointed as Helper in the year 1976 i.e. on 19.11.1976 by the respondent Nos. 2 to 4 on daily wages. In the year 1982, he was appointed to the post of CRTE on the establishment of respondent Nos. 2 to 4. In the year 2003 i.e. on 29.09.2003, he was promoted to the post of Driver. Since then he was working as Driver till his retirement on superannuation i.e. on 30.06.2016. All of a sudden, he received order of recovery dated 10.06.2021

//2// O.A. No. 592/2021

(Annexure A-1). The applicant belongs to Group-C category employee. In the circumstances, the learned Advocate for the applicant submits that the recovery of excess amount of Rs. 1,50,543/- which is ordered by the respondent No. 2 cannot be recovered in view of law laid down by the Hon'ble Supreme Court in the case of **Civil Appeal No. 11527/2014 arising out of S.L.P. (C) No. 11684/2012 & Ors. (State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.)** reported at **AIR 2015 SC 596**.

4. Learned Chief Presenting Officer opposed the submission advanced on behalf of the applicant and stated that he would seek necessary instructions from the respondents and will file affidavit in reply.

5. Considering the facts and circumstances of the case as above, it is evident that the applicant was working in Group-C category at the time of his retirement on superannuation on 30.06.2016. He has received impugned recovery order dated 11.06.2021 (Annexure A-1) ordering recovery for the excess amount paid to him for the period from 01.04.2010 to 31.12.2018. On perusal of the statement at page Nos. 22 & 23 of paper book, it shows that the recovery of

excess amount is for the period of 01.04.2010 to 31.12.2015 and not the 31.12.2018. Record shows that the excess amount was paid due to earlier wrong pay fixation.

6. In the case law relied upon by the learned Advocate for the applicant, the Hon'ble Supreme Court in the case of **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.** (supra) observed as follows :-

“12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarize the following few situations, wherein recoveries by the employers, would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

7. Considering the above facts of the present case, in my considering opinion, the case of the applicant would fall within the parameters of para 13(i), (ii) & (iii) of the **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc.**(supra). Hence this is a fit case to grant interim stay to the impugned recovery order dated 10.06.2021 (Annexure A-1) till filing of the affidavit in reply by the respondents. Ordered accordingly.

8. Issue notice to the respondents, returnable on 09.12.2021.

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

//5// O.A. No. 592/2021

10. 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.

11. 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.

12. 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.

13. S.O. to 09.12.2021.

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

15. The present matter be placed on separate board.

MEMBER (J)

ORIGINAL APPLICATION NO. 44 OF 2020
(Asha S. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Kakasaheb B. Jadhav, learned Advocate for the Applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents at length.

2. The present matter is closed for orders.

MEMBER (J)

DATE : 29.10.2021

ORIGINAL APPLICATION NO. 688 OF 2021

(Eknath B. Parmeshwar Vs. The State of Maharashtra & Ors.)

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

1. Shri S.S. Dambe, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Circulation is granted. Issue notices to the respondents, returnable on 23.11.2021. The case be listed for admission hearing on **23.11.2021**.

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

**ORIGINAL APPLICATION NO.545/2021
(Snehalata Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant submits a copy of letter written by the applicant praying for withdrawal of O.A. It is taken on record. Based on that, learned Advocate for the applicant has prayed for granting leave to withdraw the O.A.

3. Leave as prayed for is granted. O.A. stands disposed of as withdrawn with no order as to costs.

MEMBER (A)

**ORIGINAL APPLICATION NO.584/2019
(Balu Jambe Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned P.O. seeks time to file sur-rejoinder. Time is granted.
3. S.O. to 07-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.158/2021
(Pravin Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Smt. Rakhi V. Sundale, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits a document containing 3 pages, leading page is letter of Office Superintendent, Office of Police Superintendent, Aurangabad (Rural) dated 28-10-2021 stating that there is no separate Police Gazette notification and any notification of the Government is published by the Government on its website i.e. www.maharashtra.gov.in.

3. Arguments of both sides are heard at length. **Case is reserved for order.**

MEMBER (A)

**ORIGINAL APPLICATION NO.420/2021
(Raosaheb Jangale Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri S.S.Tandale, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

2. Learned P.O. files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Copy thereof has been served on the other side.

3. S.O. to 16-12-2021 for filing rejoinder, if necessary.

MEMBER (A)

**ORIGINAL APPLICATION NO.502/2020
(Shrikant Kulkarni Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Smt. Priya Bharaswadkar learned Advocate holding for Shri R.N.Bharaswadkar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 10-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.88/2021
(Dr. Rajesh Kasralikar Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned P.O. files a copy of communication issued by one Deepak Jadhav, Director (Administration), Employees' State Insurance Scheme, Mumbai addressed to CPO Office of M.A.T., Aurangabad dated 28-10-2021 stating that he has submitted draft affidavit in reply of respondent no.1, for which he seeks 4 weeks' time. Time is granted.

3. In case affidavit reply is not submitted on the next date then costs will be imposed on the concerned respondent/s with will be recovered from their personal pocket.

4. S.O. to 22-12-2021.

MEMBER (A)

**ORIGINAL APPLICATION NO.360/2021
(Kishan Sangle Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Since the pleadings are complete, the case is heard today. Learned Advocate for the applicant has argued the matter covering following points amongst others:

(a) That the respondents have cited G.R. of GAD dated 14-10-2011, which is revised aligning the same with the Hon'ble Apex Court's order in case of Ajay Kumar Choudhary.

(b) He has also cited case laws in case of State of Punjab V/s. Chaman Lal Goyal [1995(2)S.C.T.343] and in case of Raghbir sing V/s. State of Bihar [1986 (4) SCC 481].

3. Learned P.O. prays for time for arguing the matter finally. Time is granted.

4. Matter be treated as **part heard**.

5. S.O. to 02-12-2021.

MEMBER (A)

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

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

DATE : 29.10.2021

ORAL ORDER :

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

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

3. S.O. to 15-12-2021.

MEMBER (A)

ORIGINAL APPLICATION NO.509/2021

(Dr. Ramling Mahajan & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned Advocate for the applicant prays for time for filing service affidavit on record. Time is granted.

3. S.O. to 15-12-2021.

MEMBER (A)

ORIGINAL APPLICATION NO. 324 OF 2021
(Sharad D. Kothawale Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 & 3 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 1. Time granted.

4. S.O. to 9.12.2021.

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 : 29.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted.

4. S.O. to 10.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 562 OF 2021
(Alka B. Naigaonkar Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 9.12.2021.

MEMBER (A)

MEMBER (J)

**M.A.364/19 IN C.P.43/18 IN O.A. 838/15, O.A.122/18
& O.A. 558/18
(Ramdas 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 : 29.10.2021

ORAL ORDER :

Heard Shri P.P. Pangal, learned Advocate holding for Shri R.P. Bhumkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted as a last chance.

3. S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

M.A.NO. 32/2021 IN O.A.ST.NO. 138/2021
(Gopal D. Ghuge Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

**M.A.NO. 169/2021 IN O.A.ST.NO. 141/2021
(Anil J. Kande & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

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

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

3. S.O. to 13.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

M.A.NO. 242/2021 IN O.A.NO. 299/2019
(Rahul T. Pol & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted as a last chance.

3. S.O. to 1.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

**M.A. 271/21 WITH M.A.95/21 IN O.A.170/21
(Shivkumar V. Chivde Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Ms. Angha Pandi, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 4 and Shri J.P. Legal, learned Advocate for respondent Nos. 5 to 7.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted as one more last chance.

3. S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

**M.A. 272/21 WITH M.A.96/21 IN O.A.171/21
(Shivkumar V. Chivde Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Ms. Angha Pandi, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 4 and Shri J.P. Legal, learned Advocate for respondent Nos. 5 & 6.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of the respondents. Time granted as one more last chance.

3. S.O. to 2.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

ORIGINAL APPLICATION NO. 959 OF 2018
(Madhavi P. Sigedar Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Vivek G. Pingle, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3. Shri N.S. Ingle, learned Advocate for respondent No. 4 (**absent**).

2. The present case is already treated as part heard. S.O. to 16.12.2021 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 456 OF 2021
(Sunil N. Jahagirdar Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply on behalf of respondent No. 2 has already been filed on record.

3. Learned Advocate for the applicant submits that nomenclature of respondent No. 1 is wrongly mentioned as “the Secretary” instead of “Additional Chief Secretary”. Learned Advocate for the applicant seeks leave of this Tribunal to correct it.

4. Leave as prayed for by the learned Advocate for the applicant is granted. The applicant shall carry out the necessary amendment in the O.A. forthwith.

5. After carrying out the necessary amendment in the O.A., issue notice to respondent No. 1, returnable on 8.12.2021.

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 8.12.2021.

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

12. The present case be placed on separate board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 404 OF 2018
(Uddhav G. Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Anant D. Gadekar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 5. Shri R.M. Jade, learned Advocate for respondent No. 6 (**absent**).

2. Record shows that pleadings are complete. The present case is pertaining to appointment. It is admitted and fixed for final hearing.

3. S.O. to 16.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 12 OF 2018
(Khandu T. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish P. Tripathi, learned Advocate for the applicant and V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply has already been filed on behalf of the respondents on record. Pleadings are complete. The present case is pertaining to appointment. It is admitted and fixed for final hearing.

3. S.O. to 15.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 653 OF 2021
(Soni Ashok Mulange Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Issue notice to respondent No. 1, returnable on 13.12.2021.

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.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 13.12.2021.
8. Steno copy and Hamdast is allowed to both parties.
9. The present case be placed on separate board.

MEMBER (A)

MEMBER (J)

M.A.NO. 262/2020 IN O.A.NO. 380/2020
(Kiran A. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. By this Misc. Application the applicants are seeking to amend the O.A. thereby the applicant wants to join the proposed respondent No. 20 namely Kavita Suresh Salunkhe, who got promotion after filing of the O.A. In view of the same, it is the contention of the applicant that he has been superseded by respondent Nos. 4 to 19 and proposed respondent No. 20. In the circumstances, in our opinion the proposed amendment is not going to change the nature of the original proceedings. In fact the proposed amendment is just and necessary to determine the real question of controversy between the parties.

3. In view of above, the present M.A. is allowed. The applicant shall carry out the necessary amendment within a period of four weeks from today.

**:: - 2 - :: M.A.NO. 262/2020 IN
O.A.NO. 380/2020**

4. Accordingly, the present M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

M.A.NO. 263/2020 IN O.A.NO. 377/2020
(Ganesh B. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. By this Misc. Application the applicants are seeking to amend the O.A. thereby the applicant wants to join the proposed respondent No. 20 namely Kavita Suresh Salunkhe, who got promotion after filing of the O.A. In view of the same, it is the contention of the applicant that he has been superseded by respondent Nos. 4 to 19 and proposed respondent No. 20. In the circumstances, in our opinion the proposed amendment is not going to change the nature of the original proceedings. In fact the proposed amendment is just and necessary to determine the real question of controversy between the parties.

3. In view of above, the present M.A. is allowed. The applicant shall carry out the necessary amendment within a period of four weeks from today.

**:: - 2 - :: M.A.NO. 263/2020 IN
O.A.NO. 377/2020**

4. Accordingly, the present M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

M.A.NO. 264/2020 IN O.A.NO. 378/2020
(Krushnakant I. Salunkhe Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. By this Misc. Application the applicants are seeking to amend the O.A. thereby the applicant wants to join the proposed respondent No. 20 namely Kavita Suresh Salunkhe, who got promotion after filing of the O.A. In view of the same, it is the contention of the applicant that he has been superseded by respondent Nos. 4 to 19 and proposed respondent No. 20. In the circumstances, in our opinion the proposed amendment is not going to change the nature of the original proceedings. In fact the proposed amendment is just and necessary to determine the real question of controversy between the parties.

3. In view of above, the present M.A. is allowed. The applicant shall carry out the necessary amendment within a period of four weeks from today.

**:: - 2 - :: M.A.NO. 264/2020 IN
O.A.NO. 378/2020**

4. Accordingly, the present M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

M.A.NO. 265/2020 IN O.A.NO. 379/2020
(Ravindra N. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. By this Misc. Application the applicants are seeking to amend the O.A. thereby the applicant wants to join the proposed respondent No. 20 namely Kavita Suresh Salunkhe, who got promotion after filing of the O.A. In view of the same, it is the contention of the applicant that he has been superseded by respondent Nos. 4 to 19 and proposed respondent No. 20. In the circumstances, in our opinion the proposed amendment is not going to change the nature of the original proceedings. In fact the proposed amendment is just and necessary to determine the real question of controversy between the parties.

3. In view of above, the present M.A. is allowed. The applicant shall carry out the necessary amendment within a period of four weeks from today.

**:: - 2 - :: M.A.NO. 265/2020 IN
O.A.NO. 379/2020**

4. Accordingly, the present M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

M.A.NO. 266/2020 IN O.A.NO. 381/2020
(Kalu Lotan Dhangar Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. By this Misc. Application the applicants are seeking to amend the O.A. thereby the applicant wants to join the proposed respondent No. 20 namely Kavita Suresh Salunkhe, who got promotion after filing of the O.A. In view of the same, it is the contention of the applicant that he has been superseded by respondent Nos. 4 to 19 and proposed respondent No. 20. In the circumstances, in our opinion the proposed amendment is not going to change the nature of the original proceedings. In fact the proposed amendment is just and necessary to determine the real question of controversy between the parties.

3. In view of above, the present M.A. is allowed. The applicant shall carry out the necessary amendment within a period of four weeks from today.

**:: - 2 - :: M.A.NO. 266/2020 IN
O.A.NO. 381/2020**

4. Accordingly, the present M.A. stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

ORIGINAL APPLICATION NO. 470 OF 2020
(Hemant B. Wankhede Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3. Shri S.G. Sharma, learned Advocate for respondent Nos. 4, 8 & 10 to 16. None appears for respondent Nos. 5, 6, 7 & 11 to 20 though they all are served duly.

2. At the request of learned Presenting Officer for the respondent Nos. 1 to 3, time is granted for filing affidavit in reply. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 471 OF 2020
(Yogesh H. Salunkhe Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3. Shri S.G. Sharma, learned Advocate for respondent Nos. 4, 8 & 10 to 16, 19 & 20. None appears for respondent Nos. 5, 6, 7, 9 & 17 & 18 though they all are served duly.

2. At the request of learned Presenting Officer for the respondent Nos. 1 to 3, time is granted for filing affidavit in reply. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 472 OF 2020
(Dipak G. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, 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 respondent Nos. 1 to 3, time is granted for filing affidavit in reply. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 473 OF 2020
(Bhupendra M. Gavale Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. At the request of learned Presenting Officer for the respondent Nos. 1 to 3, time is granted for filing affidavit in reply. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

ORIGINAL APPLICATION NO. 474 OF 2020
(Bhagwat C. Teli Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondent Nos. 1 to 3, time is granted for filing affidavit in reply. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 475 OF 2020
(Nandkumar T. Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3. Shri S.G. Sharma, learned Advocate for respondent Nos. 4, 8, 10 to 16, 19 & 20. None appears for respondent Nos. 5, 6, 7, 9, 17 & 18 though they all are served duly.

2. At the request of learned Presenting Officer for the respondent Nos. 1 to 3, time is granted for filing affidavit in reply. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 380 OF 2020
(Kiran A. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATOIN NO. 377 OF 2020

(Ganesh B. Chaudhari Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 378 OF 2020
(Krushnakant I. Salunkhe Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 379 OF 2020
(Ravindra N. Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 381 OF 2020

(Kalu Lotan Dhangar Vs. State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 to 3. None appears for respondent Nos. 4 to 19.

2. S.O. to 21.12.2021.

MEMBER (A)

MEMBER (J)

M.A.NO. 348/2021 IN O.A.NO. 832/2016
(Vishal P. Gangawane Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 3, Shri Ashish B. Rajkar, learned Advocate for respondent No. 2, Shri P.S. Dighe, learned Advocate for respondent No. 4 & Shri Parag Bhosale, learned Advocate for respondent No. 5.

2. Due to paucity of time, S.O. to 17.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

M.A.NO. 347/2021 IN O.A.NO. 341/2019
(Smt. Kamal R. Rathod & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 17.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

**M.A. 329/21 IN M.A. 283/21 IN M.A.149/21 IN O.A.
187/21, C.P. 14/21
(State of Maharashtra & Ors. Vs. Ramrao K. Pallewad)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in M.A. (respondents in O.A.), Shri D.K. Dagadkhair, learned Advocate for the applicants (intervenor) in M.A. No. 283/2021, Shri A.D. Sugdare, learned Advocate for the applicant (intervenor) in M.A. No. 149/2021 and Shri Arjun R. Lukhe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for respondent in M.A. (applicant in O.A.).

2. Shri A.S. Shelke, learned Advocate for the non-applicant No. 1 in M.A. No. 329/2021 / applicant in O.A. has filed affidavit in reply in M.A. No. 329/2021 and the same is taken on record and copy thereof has been served on the other side.

3. By consent of both the parties, S.O. to 13.12.2021. Interim relief granted earlier in O.A. No. 187/2021 to continue till then.

MEMBER (A)

MEMBER (J)

M.A.NO. 314/2021 IN O.A.NO. 555/2021
(Mahendra D. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. At the request of learned Advocate for the applicant, S.O. to 15.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

ORIGINAL APPLICATION NO. 713 OF 2017
(Venkat D. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned Advocate holding for Shri Kiran G. Salunke, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 29.11.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 423 OF 2018
(Rameshwar S. Gopal Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3 and Ms. Nima R. Suryawanshi, learned Advocate for respondent No. 4.

2. Due to paucity of time, S.O. to 1.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 829 OF 2018
(Kiran Pranav Prabhakar Kolte Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 7.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 854 OF 2018
(Bhima Satawa Chakale Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Manish P. Tripathi, learned Advocate for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 8.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 435 OF 2019
(Sadhu Kundlik Lohar Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 9.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

O.A.NOS. 212 TO 214 ALL OF 2019
(Sundar S. Waghmare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicants in all these cases and Shri D.R. Patil, learned Presenting Officer for the respondents in all these cases.

2. Learned Presenting Officer has filed sur-rejoinder to the rejoinder affidavit filed by the applicants in all these cases. The copies of the same are taken on record and copies thereof have been served on the learned Advocate for the applicants.

3. Due to paucity of time, S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-HDD

ORIGINAL APPLICATION NO. 355 OF 2019
(Nangesh N. Unche & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri Ajay S. Deshpande, learned Advocate for respondent Nos. 3 to 5.

2. Due to paucity of time, S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 439 OF 2019
(Prakash M. Ishware Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent Nos. 1 & 3, Shri S.B. Mene, learned Advocate for respondent Nos. 2 and Shri Ajay S. Deshpande, learned Advocate for respondent Nos. 4 to 7.

2. Due to paucity of time, S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 535 OF 2019
(Nitin D. Ingale Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

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

2. Due to paucity of time, S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 96 OF 2020
(Kiran Prabhakar Kolte Vs. State of Maharashtra & Ors.)

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

DATE : 29.10.2021

ORAL ORDER :

Heard Ms. Angha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 7.12.2021.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021

ORAL ORDER :

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

2. Learned P.O. has filed sur-rejoinder of the respondent no. 2. It is taken on record and copy thereof has been supplied to the learned Advocate for the applicant.

3. S.O. to 16.12.2021.

MEMBER (A)

ORAL ORDERS 29.10.2021-ARJ

**O.A. NOS. 860, 861, 862, 863 & 864 ALL OF 2019
(Vitthal H. Desale & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021**

ORAL ORDER :

Heard Shri J.B. Choudhary, learned Advocate for the applicants in all these cases and Shri D.R. Patil, learned Presenting Officer for the respondents in all these cases.

2. Learned Advocate for the applicants seeks time for filing rejoinder affidavit/s, if any, in the respective cases. Time granted.

3. S.O. to 21.12.2021.

MEMBER (A)

ORAL ORDERS 29.10.2021-ARJ

**ORIGINAL APPLICATION NO. 4/2020
(Chhaya S. Shinde Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021

ORAL ORDER :

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

2. With the consent of both the sides, S.O. to 21.12.2021.

MEMBER (A)

ORAL ORDERS 29.10.2021-ARJ

**ORIGINAL APPLICATION NO. 662/2021
(Yashwant P. Jadhav Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021

ORAL ORDER :

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

2. Learned C.P.O. files on record copy of communication dated 28.10.2021 received to him from the concerned respondents seeking time for filing affidavit in reply in the present case. The said communication is taken on record and marked as document 'X' for the purpose of identification. Time granted.

3. S.O. to 15.12.2021.

4. Interim relief granted vide order

MEMBER (A)

M.A. NO. 240/2020 IN O.A. ST. NO. 570/2020
M.A. NO. 241/2020 IN O.A. ST. NO. 569/2020
M.A. NO. 257/2020 IN O.A. ST. NO. 1154/2020
M.A. NO. 258/2020 IN O.A. ST. NO. 1076/2020
(Chhaya S. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021

ORAL ORDER :

Heard Shri R.A. Joshi, learned Advocate for the applicants in all these cases and S/shri V.R. Bhumkar, D.R. Patil, B.S. Deokar & Smt. M.S. Patni, learned Presenting Officers for the respective respondents in respective cases.

2. Learned Presenting Officers seek time for taking instructions from the concerned respondents on the line of order dated 23.9.2021 and advancing their submissions. Time granted.

3. S.O. to 15.12.2021.

MEMBER (A)

**ORIGINAL APPLICATION NO. 365/2019
(Nilesh W. Mahajan Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant Shri D.R. Patil, learned Presenting Officer for the respondent no. 1 and Shri V.G. Pingle, learned Advocate for respondent no. 2.

2. With the consent of both the sides, S.O. to 9.12.2021 for final hearing.

MEMBER (A)

ORAL ORDERS 29.10.2021-ARJ

**M.A. 94/2021 IN O.A. ST. 1060/2019
(Devidas d. Patil Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021

ORAL ORDER :

Heard Shri Surendra V. Suryawanshi, learned Advocate for the applicant in the present M.A., Smt. M.S. Patni, learned Presenting Officer for the respondent nos. 2 to 8 and Shri Dhananjay B. Thoke, learned Advocate for respondent no. 1 in the present M.A. / applicant in O.A.

2. With the consent of both the sides, S.O. to 2.12.2021 for final hearing.

MEMBER (A)

ORAL ORDERS 29.10.2021-ARJ

**ORIGINAL APPLICATION NO. 233/2020
(Arun A. Ghate Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri Bijay Kumar, Member (A)
DATE : 29.10.2021

ORAL ORDER :

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent nos. 1 to 3 and Shri S.B. Mene, learned Advocate for respondent no. 4.

2. With the consent of both the sides, S.O. to 16.12.2021 for final hearing.

MEMBER (A)

ORAL ORDERS 29.10.2021-ARJ

**ORIGINAL APPLICATION NO. 96/2018
(Arun K. Tike Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri A.B. Rajkar, learned Advocate holding for Shri K.G. Salunke, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Due to paucity of time, S.O. to 29.11.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-ARJ

**M.A. 79/2020 IN O.A. 129/2019
(Tejrao B. Gadekar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 29.10.2021

ORAL ORDER :

Heard Shri J.N. Patil, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. By this M.A. the applicant is seeking restoration of O.A. No. 129/2019, which was dismissed in default by the Tribunal vide order dated 13.1.2020.

3. It is the contention of the learned Advocate for the applicant that the present M.A. is made within the prescribed period of limitation on 28.1.2020. He further contended that at the relevant time the applicant was working as a Deputy Education Officer, Z.P., Thane. There was some miscommunication between him and his Advocate about the returnable date in the O.A. It is contended that in the O.A. the pleadings are complete and upon admission it is fixed for final hearing. Therefore, learned Advocate for the applicant seeks restoration of O.A. to its original file.

4. Learned P.O. opposed the M.A. stating that no sufficient cause is made out by the applicant for restoration of O.A.

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M.A. 79/2020 IN O.A. 129/2019

5. Upon hearing both the sides and on going through the documents placed on record, it reveals that the M.A. is filed by the applicant within the prescribed period of limitation. The reason stated by the applicant is about miscommunication between him and his Advocate about the returnable date of the O.A. O.A. was dismissed in default at the stage of final hearing. By restoring the O.A. to its original file what highest can happen that the matter will be required to be decided on its merit. Therefore, in my opinion this is fit case to grant prayer of the applicant about restoration of O.A. to its original file.

6. In the circumstances, the present M.A. is allowed. The order dated 13.1.2020 is set aside and the O.A. no. 129/2019 is restored to its original file. There shall be no order as to costs.

7. Accordingly, Original Application to come on board on 9.12.2021 for final hearing.

MEMBER (J)

ORAL ORDERS 29.10.2021-ARJ

**ORIGINAL APPLICATION NO. 669/2021
(Umrao U. Bangar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
DATE : 29.10.2021

ORAL ORDER :

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

2. The Original Application is filed seeking directions against the respondent no. 4 to allow the applicant to join on the post of Sub Divisional Officer in the office of respondent no. 4 in view of the order No. 78/2021, dated 1.10.2021 (Annex. 2 of paper book) issued by the respondent no. 2.

3. It is the contention of the applicant that as per the order dated 28.9.2021 (Annex. 1 of paper book), the applicant has been promoted to the post of Sub Divisional Officer in Aurangabad Division. Pursuant to that the respondent no. 2 issued the posting order dated 1.10.2021 (Annex. 2 of paper book). At the time of promotion the applicant was working in the office of Minor Irrigation Sub Division, Latur on the post of Sectional Engineer. He was relieved from the said post on 30.9.2021. The office of the respondent no. 3 by the communication dated 6.10.2021 (Annex. 3 of paper book) directed the office of the respondent no. 4 - the Executive Engineer, Latur Irrigation Division No. 1, Latur - where the applicant is posted on

promotion, to allow the joining of the concerned promotees at respective places immediately. However, the respondent no. 4 did not allow the applicant to join on the promotional post. The applicant, therefore, wrote a letter dated 18.10.2021 (paper book page 38) for allowing him to join on the promotional post, however, there is no response from the respondent no. 4 in that regard. Nothing is communicated to the applicant by the respondent no. 4 for joining on the promotional post. Hence, the present O.A. is filed by the applicant for mandatory relief of directions against the respondent no. 4 and the interim relief in that relief.

4. In the circumstances, in my opinion, it would be suffice to direct the respondent no. 4 to consider the representation of the applicant dated 18.10.2021 (page 38) made to him for allowing him to join on the promotional post. Accordingly, direction is hereby issued to the respondent no. 4 to consider the representation of the applicant dated 18.10.2021 (page 38 of paper book) within the period of 2 weeks from today and communicate the said decision to the applicant in writing.

5. Issue notices to the respondents, returnable on 22.11.2021.

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 22.11.2021.

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O.A. NO. 669/2021

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

MEMBER (J)

ORAL ORDERS 29.10.2021-ARJ

**M.A.NO.17 OF 2020 IN O.A.NO.1072 OF 2019
(Ajit S. Solunke Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant in the present M.A., Shri Irale Patil, learned Advocate for the respondent No.1(applicant in O.A.), Shri S.K. Shirse, learned P.O. for the respondent No.2 and Shri S.D. Dhongde, learned Advocate for the respondent No.3 herein.

2. Learned Advocate for the respondent No.1 (Original Applicant) submits that he does not wish to file affidavit-in-reply.

3. The matter is fixed for hearing on 14.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-SAS

**ORIGINAL APPLICATION NO.1072 OF 2019
(Dnyandev L. Suryawanshi Vs. State of Maharashtra &
Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Irale Patil, learned Advocate for the applicant, Shri S.K. Shirse, learned P.O. for the respondent No.1 and Shri S.D. Dhongde, learned Advocate for the respondent No.2.

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

3. S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-SAS

**M.A.NO.62 OF 2020 IN O.A.NO.755 OF 2019
(Rajendra N. Shelke &Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicants in the present M.A., Shri Irale Patil, learned Advocate for the respondent No.1(applicant in O.A.), Shri S.K. Shirse, learned P.O. for the respondent No.2 and Shri S.D. Dhongde, learned Advocate for the respondent Nos.3 & 4 herein.

2. Learned Advocate for the respondent No.1 (Original Applicant) submits that he does not wish to file affidavit-in-reply.

3. The matter is fixed for hearing on 14.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-SAS

**ORIGINAL APPLICATION NO.775 OF 2019
(Shashikant S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Irale Patil, learned Advocate for the applicant, Shri S.K. Shirse, learned P.O. for the respondent No.1 and Shri S.D. Dhongde, learned Advocate for the respondent Nos.2 & 3.

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

3. S.O. to 14.12.2021.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-SAS

**T.A.No.07/2021 (W.P.No.10329/2021)
(Shilpa A. Chate Vs. State of Maharashtra & Ors.)**

WITH

**T.A.No.08/2021 (W.P.No.1044/2021)
(Sonali R.Raghuwanshi Vs. State of Maharashtra & Ors.)**

WITH

**T.A.No.09/2021 (W.P.No.11027/2021)
(Sahil Badasha Shaikh & Anr. Vs. State of Maharashtra
& Ors.)**

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.10.2021

ORAL ORDER :

Heard Shri Hemant U. Dhage, learned Advocate for the applicants in T.A.No.09/2021 (W.P.11027/2021) and holding for Shri Abhijeet C. Deshpande, learned Advocate for the applicants in T.A.No.07 & 08 of 2021 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all the matters.

2. Learned Advocate for the applicant submits that the learned C.P.O. cannot appear for Respondent No.2 i.e. M.P.S.C. as he is having some concrete information about it. However, he has not produced the said information on record.

3. Learned C.P.O. however submits that the copy of these proceedings is not received in his office till today.

4. T.A.No.07/2021, T.A.No. 08/2021 and T.A.No.09/2021, were filed originally before the Hon'ble

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High Court which were Writ Petition Nos.10329, 10446 & 11027 all of 2021 respectively. By common order dated 08.10.2021 passed in the said Writ Petitions, those are transferred to this Tribunal stating that the decision may be taken before examinations are held and the petitioners may seek appropriate orders from the Tribunal as the circumstances may warrant.

4. The record of all these proceedings is received to the Tribunal on 28.10.2021. The learned C.P.O. for the respondents submits that he has not received the copy of the proceedings from the office of Government Pleader.

5. All these applications are filed seeking declaration that clause No.4.6.1 of notification dated 02.09.2021 issued by the respondent No.2 i.e. M.P.S.C. is arbitrary, violative of Article 14 & 16 of the Constitution of India and hence needs to be quashed and set aside. The Applicants further seek relief of allowing them to appear for main examination, which was scheduled to be held on 30.10.2021. The Applicants are also seeking interim relief in terms of prayer clause 22 (D), (E), (F) and (G) and the interim relief is sought in the form of mandatory nature of validating the form filled in by them appearing for main examination and seeking necessary hall ticket for main examination and further seeking restraining the respondent No.2 i.e. M.P.S.C. from declaring the online form submitted by the

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applicants being invalid and further seeking directions to the respondent No.2 i.e. M.P.S.C. to accept online examination form by accepting the learners Driving Licence.

6. The Respondent No.2 i.e. M.P.S.C. issued advertisement dated 17.01.2020 for the post of Assistant Motor Vehicle Inspector, Group 'C'. As per the said advertisement pre-examination as well as the main examination were contemplated for selection of the candidates. The Preliminary examination was held on 15.03.2020. The result of the said preliminary examination was declared on 24.08.2021. The Applicants were declared passed and were qualified for main examination. Thereafter, the respondent No.2 i.e. M.P.S.C. issued notification dated 02.09.2021 for conducting main examination on 30.10.2021.

7. Immediately thereafter, the applicants have approached the Hon'ble High Court and filed the Writ Petition Nos.10329, 10446 & 11027 all of 2021 on 16.09.2021, 18.09.2021 and 24.09.2021 respectively.

8. Learned Advocate for the applicants, today, has produced on record the press note dated 14.10.2021 issued by the respondent No.2 i.e. M.P.S.C., whereby it is stated that main examination is now postponed to

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20.11.2021. The Hon'ble High Court was pleased to pass order dated 20.09.2021 in Writ Petition Nos.10329 & 10446 of 2021 (T.A.No.7 & 8 of 2021). Para No.3 of the said order is material, which is as follows:-

“3. The Petitioners’ applications are already uploaded as contended by the learned advocate for the petitioners on the basis of learner’s license. The examinations are to be held on 30th October, 2021. We may consider the same issue prior to the examination. As contended by the learned advocate for the petitioner, the applications on the basis of learner’s license are already uploaded. We may consider the eligibility of the petitioners prior to the said date.”

9. In T.A.No.09/2021 (Writ Petition No.11027/2021) it is contended that after Hon'ble High court passed abovesaid order dated 20.09.2021 in above said Writ Petitions, the Applicant herein uploaded his form for the main examination on the last date of filing of it on 20.09.2021 on the basis of learner’s licence with him.

10. The Applicants apprehended that if admit card is not issued to them for the main examination scheduled on 20.11.2021 great prejudice and injustice would be caused to them.

11. In order to verify the contention raised by the applicants we asked the learned Advocate for the applicant whether the copy of proforma for main examination is placed on record or not?

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12. Learned Advocate for the applicants pointed out that in T.A.No.7/2021 (W.P.10329/2021) the copy of proforma is placed on record. Perusal of this proforma would show that there is column Nos. 3 to 8. Column Nos.3,5 & 7 are as follows:-

3. Do you have valid permanent driving license of motor cycle with gear?
4.
5. Do you have valid permanent driving license of light motor vehicle?
6.
7. Do you have valid permanent driving license of transport vehicle (Heavy good vehicle and heavy passenger motor Vehicle)?
8.

13. The abovesaid clause Nos. 3 to 8 are pertaining to enquiry regarding the permanent driving license of motorcycle with gear, light motor vehicle, transport vehicle (Heavy goods vehicle and heavy passenger motor vehicle) and even driving license numbers were asked for.

14. As stated earlier, the Applicants are challenging clause No.4.6.1 of notification dated 02.09.2021, which is as follows:-

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“मुख्य परीक्षेकरीता अर्ज सादर करण्याच्या अंतिम दिनांकास, वैध असणारी गिअर्स असलेली मोटर सायकल, हलके मोटार वाहन आणि परिवहन वाहन (जड मालवाहू वाहन आणि जड प्रवासी वाहन) या संवर्गासाठी सक्षम प्राधिकाऱ्याने दिलेली वैध अनुज्ञप्ती (License) आवश्यक.”

15. As per the said clause, the applicants should have with them valid permanent driving license. Upon plain reading of said clause, it is evident that requisite license with motorcycle with gear, light motor vehicle, transport vehicle ((Heavy goods vehicle and heavy passenger motor vehicle) is necessary at the time of filling of form for main examination.

16. Admittedly, as on the date of filling of form for main examination, the applicants were not having valid requisite permanent driving license. Despite of that, the applicants filled online form for main examination necessarily declaring thereby that they are having requisite permanent driving license and uploaded the learning license in place of permanent license.

17. It is the contention of the applicant that the said clause no. 4.6.1 of notification dated 02.09.2021 is arbitrary and against the principle of constitutional provisions. The Applicants have stated that clause no. 4.6.2 gives relaxation that the candidates can produce

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license of heavy goods vehicle and heavy passenger motor vehicle two years after appointment.

18. The applicants also pleaded that in similar situation, the Gujrat Government has specified condition allowing the candidates therein to have light motor vehicle driving license on the date of appointment.

19. In the circumstances as above, we have to consider the prayer made by the applicant for interim relief. We have to record that the learned C.P.O. appearing for the respondents is not having copy of the proceedings and necessary documents. In the circumstances, he has sought time for filing affidavit-in-reply.

20. Considering facts as above, *prima-facie*, it seems that incorrect statement is made by the learned Advocate for the applicants that on the date of filling of form for main examination the applicants were not having requisite permanent driving license and uploaded learning license. Once the necessary online application form for main examination is filled in, it cannot be said that the system would not issue admit card to the applicants for appearing for main examination which is scheduled on 20.11.2021.

21. In fact, the applicants are seeking interim relief of mandatory nature of validating the application form. In the

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background of scenario of incorrect statement made by the learned Advocate for the applicants, at this stage, it is not desirable to grant interim relief to validate the action of the applicant to fill the form.

22. In such circumstances, in our considered opinion, that direction should be given to the respondents to file affidavit-in-reply positively by the next date and we will make endeavor to decide the matter before the date of main examination. It is ordered accordingly.

23. In the circumstances, issue notice to the respondents, returnable on 15.11.2021.

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

25. 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.

26. 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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27. 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.

28. S.O. to 15.11.2021.

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

30. The present matter is placed on separate board.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 29.10.2021-SAS