

ORIGINAL APPLICATION NO. 298/2022
(Shri Baban G. Tadvi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Swaraj Tandale, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities. Shri NR Dayama, learned counsel for respondent no. 3 (**absent**).

2. The applicant was working as Chief Executive Officer at Nagar Parishad, Yawal, Dist. Jalgaon. On 29.7.2021 one complaint came to be filed against the applicant alleging that demand of bribe was made by him from the complainant for his work to be done. Accordingly, on 30.7.2021 the written complaint was filed by the said complainant and the applicant was trapped by the ACB. He was arrested on the same day and was released on bail on 2.8.2021. The respondent no. 1 vide order passed on 8.12.2021 suspended the applicant w.e.f. 30.7.2021 i.e. from the date of his arrest. It is the grievance of the applicant that though the period of more than 17 months have elapsed, the suspension has not been revoked or has not been duly extended. It is the specific allegation of the applicant that in view of the judgment of the Hon'ble Supreme Court in the case

of **AJAY KUMAR CHOUDHARY VS. UNION OF INDIA (UOI) AND ORS., (2015) 7 SCC 291 : AIR 2015 SC 2389** and the subsequent Circular issued by the Department in that regard on 9.7.2019 it was mandatory on part of the respondents to review the order of suspension within 90 days. The learned counsel submitted that such review was not taken within the period of 90 days and thereafter till today also the said order has not been reviewed by the competent authority. In the circumstances, the applicant has prayed for following relief :-

“A) The Original Application may kindly be allowed.

(B) The impugned suspension of the applicant vide order dated 8.12.20221 w.e.f. 30.7.2021, may kindly be revoked/cancelled and set aside, from the date of suspension of the applicant and he be reinstated in the service on his original post, with due date effect of completion of 90 days, from the date of his suspension, with consequential service benefits, including the regular salary.

(C) Any other appropriate relief as may be deemed fit by this Hon’ble Tribunal may kindly be granted to him.”

3. The learned Presenting Officer has opposed the submissions made on behalf of the applicant. In the

affidavit in reply filed on behalf of respondent nos. 1 & 2 it is contended that the Suspension Review Committee in its meeting held on 14.12.2021 had taken the review of the suspension of the present applicant and had taken a conscious decision in the said meeting to extend the period of suspension in view of the fact that there was report against the applicant from the ACB and the applicant was caught red handed while accepting bribe amount. One more reason has been stated that the criminal prosecution filed against the applicant is also pending. According to the respondents, the period of suspension has been, thus, validly extended in the meeting of the Suspension Review Committee. The learned PO in the circumstances has prayed for dismissing the Original Application being devoid of any substance.

4. Following facts are not in dispute :-

(i) that the applicant was arrested on 30.7.2021.

(ii) that he applicant was released on bail on 2.8.2021.

(iii) that the order of suspension was passed against the applicant on 12.8.2021 and the suspension was ordered retrospectively from 30.7.20221 i.e. from the date of his arrest.

5. Though it is the contention of the respondents that on 14.12.2021 the review in regard to the suspension of the applicant was taken and it was resolved to extend said period, minutes of the said meeting or resolution passed in the said meeting has not been placed on record. It is further not disclosed as to for how much period the suspension of the applicant was extended in the said meeting. Admittedly DE is not initiated against the applicant till date. There is no dispute that in the Criminal Case under the Prevention of Corruption Act the charge-sheet has not yet been filed against the applicant.

6. Having regard to the facts as aforesaid there is substance in the contention raised on behalf of the applicant that his period of suspension could not have been extended beyond 90 days and he is, therefore, entitled for the relief prayed for by him for revocation of suspension. In the case of **AJAY KUMAR CHOUDHARY VS. UNION OF INDIA (UOI) AND ORS.** (cited supra) the Hon'ble Supreme Court has laid down certain guidelines, which are thus :-

“14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the memorandum of Charges / Chargesheet is not

served on the delinquent officer / employee; if the Memorandum of Charges / Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

On perusal of the aforesaid guidelines there remains no doubt that in the DE the memorandum of charge is not served upon the delinquent and in the Criminal Case if the charge-sheet is not filed within the period of 90 days,

::-6-::

O.A. NO. 298/2022

the suspension cannot be continued beyond the said period. It is further quite evident that even after filing of the charge-sheet conscious decision has to be taken by the respondents whether to continue the suspension beyond 90 days and if not then reasoned order has to be passed while extending the period of suspension.

7. Though it was sought to be contended by the learned PO that the Suspension Review Committee had held the meeting within the period of 3 months and has taken a decision, it is difficult to accept the said contention. When a charge-sheet was not filed within the period of 90 days, the second option was not available for the respondents. As stated in the Circular issued by the Department the inevitable result will be to revoke the suspension beyond the said period. For the reasons discussed above, the following order is passed :-

ORDER

(i) The impugned suspension order dated 8.12.2021 passed by respondent no. 1 shall be deemed to have been vacated on completion of period of 90 days and consequently applicant shall be deemed to have reinstated in service with all consequential benefits.

::-7-::

O.A. NO. 298/2022

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

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 145/2022
(Bhimrao V. Mhaske Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri GK Muneshwar, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present. Shri SS Shete, learned counsel for respondent no. 5 (**absent**).

2. S.O. to 13.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 217/2022
(Ahmed Raza Saddique Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Asif Ali, learned counsel holding for Smt. AN Ansari, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 274/2022
(Vajjnath P. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 15.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 1045/2019
(Sunil P. Pathrikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 4.1.2023 for filing the rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 327/2019
(Pushpak Kachve Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri Amit Savale, learned counsel for the applicant (**absent**). Shri IS Thorat, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 3.1.2023 for filing the rejoinder affidavit by the applicant to the affidavit in reply of respondent no. 3 and also for filing the affidavit in reply by respondent nos. 1 & 2.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 01/2020
(Seema Dalve & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Mujahed Hussain, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh Ghatе, learned Presenting Officer for the respondent authorities, is present.

2. Though last chance was granted to the applicant for filing the rejoinder affidavit, the same has not been filed till date. Today the applicant and her learned counsel are absent. In the interest of justice time granted as one more last chance to the applicant for filing the rejoinder affidavit.

3. S.O. to 5.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 494/2020
(Yashwant Mohite Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Suhas Ghute, learned counsel for the applicant (**absent**). Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri HP Jadhav, learned counsel for respondent no. 5, are present.

2. S.O. to 6.1.2023 for filing the rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 02/2021
(Kiran Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri Ajay Deshpande, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 6.1.2023 for filing the rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 43/2021
(Chandramuni Kamble Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri SG Kulkarni, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent nos. 2 & 3, are present.

2. S.O. to 9.1.2023 for filing the rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 164/2021
(Balu Chavan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.1.2023 for filing the rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 309/2021
(Dinesh Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri Pramod Patil, learned counsel for the applicant (**absent**). Shri SK Shirse, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 10.1.2023 for filing the affidavit in reply by the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 406/2021
(Sajed Mubasshiruddin Siddiqui Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

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

2. At the request of learned, as a one more last chance, S.O. to 9.1.2023 for filing the rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**MA 345/2021 IN OA ST. NO. 1475/2021
(Anantrao Soudagar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri Mujahed Hussain, learned counsel for the applicant (**absent**). Shri SK Shirse, learned Presenting Officer for the respondent authorities and Shri DT Devane, learned counsel for respondent nos. 3 & 4, are present.

2. S.O. to 27.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**OA NOS. 1015, 1016, 1017 AND 1019 ALL OF 2019
(Sakharam Rambavle & Ors. Vs. State of Maharashtra &
Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicants in all these matters and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 20.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 704/2019
(Vishwanath Yeslote Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri KM Nagarkar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

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

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri CT Jadhav, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 87/2020
(Rajendra Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 137/2020
(Lalit Pandule Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri Avinash Deshmukh, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 225/2020
(Subhash Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present. Shri KJ Suryawanshi, learned counsel for respondent nos. 4 & 6 (**absent**).

2. S.O. to 30.11.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 575/2020
(Kondabai Ghadge & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri KM Nagarkar, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 11.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

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

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 6.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 248/2021
(Sunil Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri VG Salgar, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent nos. 2 to 4, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 & 5. The same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 13.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 361/2021
(Madhukar Misal Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri CV Dharurkar, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 578/2021
(Nanasaheb Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri CV Dharurkar, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 712/2021
(Dr. Subhash Kabade Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 5.12.2022 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 273/2022
(Pradeep Jadhav Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri HP Jadhav, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.1.2023 for final hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 422/2021
(Satish Trimukhe Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri Vijay Deshmukh, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has sought time for filing the affidavit in reply of the respondents. Though by earlier order time was granted to the respondents as a last chance for filing the reply, still the same is not filed. In the circumstances, in the interest of justice, time granted as a one more last last chance.

3. S.O. to 13.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 665/2021
(Shankar Kale Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

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

2. At the request of learned PO, S.O. to 9.1.2023 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 278/2022
(Anwar Khan Azizkhan Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO has tendered across the bar the affidavit in reply on behalf of respondent no. 2. The same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 10.1.2023 for filing rejoinder affidavit, if any, by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 991/2022
(Shrinivas Gangthade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri VP Golewar, learned counsel for the applicant
(**absent**). Shri VR Bhumkar, learned Presenting Officer
for the respondent authorities, is present.

2. Await Service.
3. S.O. to 11.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

MA 188/2022 IN O.A. 480/2019
(Ashok Puri Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent nos. 2 & 3 in OA, are present.

2. At the request of Shri Patil, learned counsel for respondent nos. 2 & 3, S.O. to 11.1.2023 for filing the affidavit in reply on behalf of respondent no. 3.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

MA NO. 360/2022 IN OA ST. 712/2022
MA NO. 361/2022 IN OA ST. 713/2022
MA NO. 362/2022 IN OA ST. 714/2022
(Murlidhar Rathod & Ors. Vs. State of Maharashtra & Ors.)

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri AR Gaikwad, learned counsel for the applicants in all these matters (**absent**). S/shri SK Shirse & IS Thorat, learned Presenting Officers for the respondent authorities in all these matters, is present.

2. Await service for respondent no. 3.
3. Respective learned POs have sought time for filing the affidavit in reply on behalf of respondent nos. 1, 2 &
4. Time granted.
4. S.O. to 20.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

MA 485/2022 IN O.A. ST. 1748/2022
(Gangadhar Fasale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Arvind Ambetkar, learned counsel for the applicant (**absent**). Smt. MS Patni, learned Presenting Officer for the respondent authorities, is present.

2. At the request of learned PO, S.O. to 10.1.2023 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 296/2022
(Madhuri Choudhari Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri AV Lavte, learned counsel for the applicant
(**absent**). Shri NU Yadav, learned Presenting Officer for
the respondent authorities, is present.

2. S.O. to 10.1.2023 for filing rejoinder affidavit by
the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**ORIGINAL APPLICATION NO. 404/2022
(Mahesh Nagargoje Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri KG Salunke, learned counsel for the applicant (**leave note**). Smt. Sanjivani Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 16.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

MA 176/2020 IN OA ST. 2388/2019
(Ravindra Joshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri AP Yenegure, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned PO, S.O. to 16.1.2023 for filing the affidavit in reply of the respondents.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

**MA 227/2021 IN OA ST. 901/2021
(Anil Mahajan Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman**

DATE : 29.11.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

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

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 7.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

ORIGINAL APPLICATION NO. 992 OF 2022
(Hanuman V. Funde Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri A.A. Nimbalkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. As per submissions made in this Original Application, the applicant had applied for the Combined Preliminary Examination for the Maharashtra Sub Ordinate Services (Non-Gazetted) Group-B-2020 in response to the advertisement No. 05/2020 dated 10.12.2021, issued by the Maharashtra Public Service Commission (in short, 'MPSC'). As per the said advertisement, applications were invited for the three posts viz. Assistant Section Officer, Group-B (Non-Gazetted), State Tax Inspector, Group-B (Non-Gazetted) and Police Sub Inspector, Group-B (Non-Gazetted). The applicant had submitted application for the post of Police Sub Inspector, Group-B (Non-Gazetted) for which total of 650 vacancies had been notified, which included 6 posts reserved for Orphan (Open) category.

3. The applicant secured 46.50 marks, whereas cut-off marks for Open (General) category for the post of Police Sub-Inspector, based on Combined Preliminary Examination were declared by MPSC on 03.12.2021 was 43.75.

4. After Preliminary Examination, the MPSC issued advertisement No. 260/2021 to 262/2021 on 10.12.2021 requiring candidates, who were declared successful based on marks secured in Preliminary Exam to apply for the Main Examination during the period from 13.12.2021 till 27.12.2021.

5. In the meantime, Women and Child Welfare Department issued G.R. dated 23.08.2021 introducing a new category named as, Orphan-C for such children whose parents i.e. mother and father both have expired but other relatives of the child are alive and the child is brought up by his / her relation and caste is known. As per the provisions of Clause 2 (9) of the G.R. dated 23.08.2021 (supra), benefits of this G.R. were made available to candidates who participated in selection examination, whose *final result* has not been declared after 02.04.2018. As the selection process for the posts of Police Sub-Inspector was only at the stage of inviting applications for the Main Examination, therefore, the

//3// O.A. No. 992/2022

G.R. dated 23.08.2021 (supra) was applicable to the selection process under consideration.

6. In view of facts mentioned in preceding paragraphs, MPSC had, vide clause 3.17.3 read with Clause 7.3.2 (एक) (10) of the advertisement No. 260/2021 to 262/2021 for the Combined Main Exam-2020 informed that applicant that the applicants had opportunity to claim benefits of G.R. dated 23.08.2021 (supra) under category Orphan-C. However, while submitting online application for the Main Examination on 19.12.2021, the applicant responded as follows :-

“Orphan Details

Do you want to take advantage for Orphan reservation? -
No.”

7. To the contrary to above mentioned fact the applicant had submitted through affidavit dated 23.11.2022 (Page No. 7 & 8 of compilation) that he came to know about the G.R. dated 23.08.2021 only in the month of January, 2022. Hence, he was not aware of the same at the time of filing his application for the Main Examination. Therefore, justification given by the applicant for declaring benefits of Orphan-C category does not hold water.

8. It is also submitted by the applicant through submission made in para Nos. 14 and 15 of the Original Application that the applicant procured certificate of belonging to Orphan Category-C dated 06.04.2022, which he submitted to MPSC on 11.04.2022 along with a letter. In response, MPSC vide impugned communication dated 20.09.2022 rejected the request of the applicant. Later on MPSC declared the result of Mains Examination on 17.11.2022. Being aggrieved by the decision of MPSC, the applicant has filed the Original Application seeking relief in terms of para VIII and IX of the Original Application, which is reproduced in verbatim as follows:-

“VIII THE APPLICANT, THEREFORE, MOST HUMBLY PRAYS THAT :

- A) *The instant Original Application may kindly be allowed.*
- B) *The communication dated 20.09.2022 issued by the respondent No. 2 MPSC (ANNEXURE “A-17”) may kindly be quashed and set aside.*
- C) *The respondent No. 2-MPSC may kindly be directed to grant the benefit of the reservation of Orphan Category to the applicant as per the Government Resolution dated 23.08.2021.*
- D) *Any other just and equitable relief to which the applicant is found entitled may kindly be granted in his favour.*

IX) INTERIM ORDER IF PRAYED FOR

- A) *Pending the hearing and final disposal of the instant application the communication dated 20.09.2022 issued by the respondent No. 2*

//5// O.A. No. 992/2022

MPSC (ANNEXURE "A-17") may kindly be stayed in its effect, operation, implementation and execution.

- B) Pending the hearing and final disposal of the instant application the respondent No. 2 MPSC may kindly directed to provisionally grant the benefit of Orphan Category reservation to the applicant as per the Government Resolution dated 23.08.2021.*
- C) Ad-interim relief in terms of prayer clause "A" and "B" may kindly be granted.*
- D) Any other just and equitable relief to which the applicant is found entitled may kindly be granted in his favour."*

9. The applicant has, as per his submission in para No. 4 of the additional affidavit dated 23.11.2022, secured 206 marks, whereas cut-off marks for Open (General) category is 280.50, but cut-off for Open Orphan category was 102.50. It leads us to irresistibly infer that the applicant is seeking relief in order to get the benefit of candidature as Orphan-C category even though he had himself indicated his choice not to avail the said benefit.

10. The applicant has relied on order passed by this Tribunal in O.A. No. 553/2021 dated 02.05.2022. However, ratio in this cited O.A. is different in the sense that in the cited case, the benefit of G.R. dated 23.08.2021 was not being extended to examination

//6// O.A. No. 992/2022

conducted on 02.04.2018 but final results were declared on 27.03.2022 i.e. after 23.08.2021.

11. The applicant has also relied on judgment dated 19.10.2022 delivered by the Hon'ble High Court of Judicature at Bombay (Civil Appellate Jurisdiction) in W.P. No. 12210/2022. However, in the instant matter, the benefit of reservation for Orphan category is proposed to be extended to the applicant who did not opt for the same while submitting application for the Main Examination. Moreover, he did not possess Orphan certificate and procured the same during the following calendar year of 2022.

12. Learned Presenting Officer has opposed the prayer made by the applicant and cited the order passed by this Tribunal in O.A. No. 130/2017, Priyanka Appasaheb Dongre Vs. State of Maharashtra and Ors. dated 19.01.2022. Relevant parts of said order covered by para Nos. 5 to 11 are being quoted below for ready reference :-

“5. The issue before us is whether respondent nos.1 to 4 were having such authority to relax the condition and permit respondent no.5 to file Non-Creamy Layer Certificate later on ?

*6. Learned Counsel for the applicant has relied upon the judgment of the Hon'ble Apex Court in the case of **Bedanga Talukdar V/s. Saifudaullah Khan & Ors.** reported in [2012 AIR (SC) 1803] wherein*

Hon'ble Supreme Court has held that there can be no relaxation in terms and conditions as mentioned in the advertisement unless such power is specifically reserved. It is further explained that even if such power of relaxation is provided in the concerned rules, it must be still mentioned in the advertisement. It is further held that in absence of such power if such relaxation is given it would be contrary to the mandate of equality under Articles 14 and 16 of the Constitution of India. The Hon'ble Bombay High Court as well as this Tribunal have consistently held that the candidates claiming benefit of Female Reservation are mandatorily required to produce Non-Creamy Layer Certificate on the date on which the advertisement is published or any other date on which the same is directed to be submitted before the selection committee.

7. *We have carefully gone through the advertisement issued in the present matter. In the said advertisement there is no such clause giving power to the Chairman of the District Selection Committee or the Members of the said Selection Committee to give any relaxation in the terms and conditions incorporated in the said advertisement. Under clause 8 of the said advertisement, terms and conditions are mentioned. Sub clause 12 of the said clause no.8 specifies that the candidates desiring to avail the benefit of falling in the category of Non-Creamy Layer are mandatorily required to produce the said Non-Creamy Layer Certificate issued by the competent authority at the stage of scrutiny of the original documents. Sub clause 13 of the said clause 8 further ratifies that the candidates who would succeed in the written examination and would be included in the merit list will have to necessarily produce all the required documents i.e. in regard to their educational qualification, caste certificate and Non-Creamy Layer Certificate issued by the competent authority as well as certain other documents at the stage of scrutiny of the original documents. It is further particularly reiterated that it is mandatory to produce such documents at the stage of scrutiny of the documents. The word used is "अनिवार्य" meaning thereby that it was mandatory. Thereafter, in subsequent clause*

no.9 sub clause 2., it is further repeated that the female candidates claiming benefit of the Female Reservation must produce the Non-Creamy Layer Certificate valid up to 31-03-2017 at the time of scrutiny of the documents.

8. We reiterate that there is no clause in the advertisement giving the selection committee any power of relaxation in the terms and conditions as mentioned in the said advertisement. It is thus evident that the candidates whose names were included in the merit list and who were called for scrutiny of documents were mandatorily required to produce the Non-Creamy Layer Certificate and other necessary certificates in their original for scrutiny before the Selection Committee or any other officer appointed for the purpose of scrutiny of the documents on the day of scrutiny. There is no dispute that present applicant as well as respondent no.5 both were included in the merit list having passed the written examination. It is the matter of record and there is no dispute about it that the marks were revised and after revision of the marks applicant was stated to have secured 110 marks whereas the respondent no.5 had secured 112 marks. It is further not in dispute that applicant as well as respondent no.5 both were called for scrutiny of the original documents on 05-01-2017 vide letter dated 02-01-2017. In the said letter dated 02-01-2017 also it has been reiterated that the candidates concerned shall produce on record the relevant documents deciding their eligibility for their selection including that of Non-Creamy Layer Certificate. It is not in dispute that on 05-01-2017 respondent no.5 did not produce on record the Non-Creamy Layer Certificate. The applicant, whereas, did produce the Non-Creamy Layer Certificate valid up to 31-03-2017 for scrutiny of the Selection Committee.

9. It is the contention of respondent no.5 that the Selection Committee had permitted her to file Non-Creamy Layer Certificate on the next day and accordingly she filed it on record. Respondent nos.1 to 4 in their affidavit in reply have not disputed the fact that respondent no.5 was called for verification of

//9// O.A. No. 992/2022

documents on 05-01-2017 and further that she did not file the Non-Creamy Layer Certificate on the said date. It is further contention of the respondent nos.1 to 4 that the respondent no.5 filed an application seeking time for production of Non-Creamy Layer Certificate and she was permitted to file the same on the next day and accordingly she had submitted the Non-Creamy Layer Certificate on 06-01-2017.

10. The question arises whether the Selection Committee was having any power to relax the condition of submitting the Non-Creamy Layer Certificate for scrutiny on the date given for verification of the documents. As has been elaborately discussed by us, the Selection Committee was not having any such right or authority to give any relaxation to any candidate. The relaxation so given to respondent no.5 by the respondents was, therefore, contrary to the mandate of equality under Article 14 and 16 of the Constitution of India. The Selection Committee exercised the powers which were not vested in it. In the circumstances, the selection made of respondent no.5 by the Selection Committee by arbitrary exercise of the discretion not vested in it cannot be sustained and has to be set aside.

11. As noted hereinbefore, name of respondent no.5 was at Sr.No.1 in the list declared of the selected candidates whereas the applicant is shown in the waiting list at Sr.No.1. In view of the fact that we have held the appointment of respondent no.5 unsustainable, the right has accrued in favour of the present applicant being at Sr.No.1 in the waiting list to be considered for her appointment. For the reasons stated above, following order is passed.

ORDER

- (i) Original Application is allowed.
- (ii) The selection and the consequent appointment of respondent no.5 on the post of Maharashtra Municipal

//10// O.A. No. 992/2022

*Council Water Supply, Drainage and
Sanitary Engineering Services
(Class-C) is set aside.*

(iii) The respondents are directed to offer the appointment to the present applicant being the candidate at Sr.No.1 in the waiting list within the period of one month from the date of this order.

(iv) There shall be no order as to costs.”

13. The order passed by this Tribunal has been upheld by the Hon’ble High Court of Judicature at Bombay, in W.P. No. 1991/2022 in the appeal filed by the respondents.

14. **Conclusion** :- In view of above analysis of facts on record and oral submission made, in our considered opinion, there is no merit in the Original Application No. 992/2022 itself. Hence, the following order :-

ORDER

(A) The Original Application No. 992/2022 is summarily dismissed.

(B) No order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 66 OF 2018
(Dnyaneshwar P. Kadam Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 337 OF 2019
(Namdev D. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri O.Y. Kashid, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 222 OF 2022
(Annasaheb M. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Sanket Joshi, learned Advocate holding for Shri Jiwan Patil, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. Shri P.R. Katneshwar, learned special counsel for the respondents, **absent**.

2. S.O. to 05.12.2022 for re-hearing.

MEMBER (A)

MEMBER (J)

**MA 261/2022 with MA 257/2022 in OA 447/2022
(Dr. Pratap M. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri R.R. Kale, learned Advocate for the applicants in present M.As., S.G. Chapalgaonkar, learned Advocate for the applicant in O.A. and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 06.12.2022 for re-hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 29.11.2022

C.P. No. 16/2020 in O.A. No. 886/2018
(Baliram D. Waghmare Vs. State of Maharashtra & Ors.)

WITH

C.P. No. 17/2020 in O.A. No. 883/2018
(Sawairam D. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni, learned Advocate for the applicants in both the cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the cases.

2. S.O. to 13.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 192 OF 2016
(Maroti S. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Shri M.A. Golegaonkar, learned Advocate for the applicant (**Absent**). Heard Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 10.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 177 OF 2019
(Vinodkumar V. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. S.O. to 10.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 696 OF 2019
(Supadu K. Surwade Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 14.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

**O.A. No. 375, 376, 418, 428 and 434 all of 2020
(Amol M. Naikwade Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicants in all these O.As. and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities in all these O.As.

2. S.O. to 14.01.2023 for hearing. Interim relief if any granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 508 OF 2020
(Bhojane S. Prabhakar Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 557 OF 2020
(Savita S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Shri A.A. More, learned Advocate for the applicant
(Absent). Heard Smt. Sanjivani K. Deshmukh-Ghate,
learned Presenting Officer for the respondent authorities.

2. S.O. to 09.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 122 OF 2021
(Mohan B. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Shri M.A. Granthi, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 10.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 231 OF 2021
(Sushilkumar B. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 10.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 731 OF 2021
(Sunil L. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 12.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2022
(Abaji B. Amrute Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. S.O. to 12.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 30 OF 2022
(Mahesh S. Vaidya Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.B. Bhosale, learned Advocate holding for Shri S.B. Choudhari, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 23.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 34 OF 2022
(Sachin D. Shrimanwar Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 53 OF 2022
(Sudhakar N. Dusane Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 606 OF 2022
(Rajesh S. Parhe & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Shri Prateek Sabde, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 16.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**MA 366/2018 in MA St. 1591/2018 in OA St. 1592/2018
WITH
M.A. No. 295/2019 in O.A. St. No. 993/2019
(Dr. Ravindra A. Daware & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants in both the cases and Smt. M.S. Patni and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officers for the respondent authorities in respective cases.

2. S.O. to 20.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 95/2021 in O.A. No. 170/2021
WITH
M.A. No. 96/2021 in O.A. No. 171/2021
(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 : 29.11.2022

ORAL ORDER :

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant in both the cases and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the cases and Shri Swapnil Joshi, learned Advocate holding for J.P. Legal Associates for respondent Nos. 5 to 7 in M.A. 95/2021 and respondent Nos. 5 & 6 in M.A. 96/2021.

2. S.O. to 05.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**M.A. 201/2021 with M.A. 159/2021 in OA 115/2018
(Nagnath G. Savant & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants, Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 3 in O.A.

2. S.O. to 22.12.2022 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 29.11.2022

ORIGINAL APPLICATION NO. 37 OF 2019
(Chandrasen K. Bahure Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The present matter is to be treated as depart heard and it be placed before the regular Single Bench.

3. S.O. to 14.12.2022.

MEMBER (J)

**ORIGINAL APPLICATION NO. 137 OF 2021
(Premnath G. Akangire Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The present matter is to be treated as depart heard and it be placed before the regular Single Bench.

3. S.O. to 14.12.2022.

MEMBER (J)

**C.P.NO. 33 OF 2022 IN O.A.NO. 832 OF 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 : 29.11.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Await service.
3. S.O. to 23.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 302 OF 2022
(Rupali P. Rangari Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Affidavit in reply filed on behalf of the respondent is taken on record and copy thereof has been served on the other side.

3. S.O. to 03.01.2023, for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 374 OF 2022
(Vijay D. Dehade Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.01.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 386 OF 2022
(Lata D. Dehade Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Affidavit in rejoinder filed on behalf of the applicant is taken on record and copy thereof has been served on the other side.

3. S.O. to 05.01.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 490 OF 2022
(Satish L. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

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

3. S.O. to 05.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 499 OF 2022
(Laxminarayan A. Shingare Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

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

3. S.O. to 06.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 519 OF 2022
(Dnyaneshwar B. Wadile Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

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

3. S.O. to 06.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 521 OF 2022
(Shivling S. Hankare Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is filed only on behalf of respondent No.1.

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

4. S.O. to 06.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 605 OF 2022
(Pandhari M. Mundhe Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni (Mardikar), learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.5.
3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of respondent Nos.1 to 4 and 6.
4. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 637 OF 2022
(Vishal G. Bochare Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

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

3. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 661 OF 2022
(Dilip S. Taru Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

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

3. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 664 OF 2022
(Vinod J. Sonune & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri R.O. Awasarmol, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is already filed on behalf of the respondent No.1.

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

4. S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 676 OF 2022
(Balaji B. Tekale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.3.
3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of remaining respondents.
4. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 690 OF 2022
(Sachin J. Gadekar Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Ms. P.V. Bodke Patil, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. Record shows that affidavit in reply is already filed on behalf of the respondent No.1.

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

4. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 726 OF 2022
(Dinesh N. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri D.T. Devane, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authority and Shri M.B. Kolpe, learned Advocate for the respondent No.2.

2. Affidavit in reply filed on behalf of the respondent No.2 is taken on record and copy thereof has been served on the other side.

3. S.O. to 06.01.2023, for filing affidavit in rejoinder, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 773 OF 2022
(Mangala V. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 30.11.2022 for urgent admission.
Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 793 OF 2022
(Babynanda G. Gosavi Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Affidavit in reply filed on behalf of the respondent Nos. 3 to 5 is taken on record and copy thereof has been served on the other side.

3. At the request of the learned P.O., time is granted for filing affidavit in reply on behalf of the respondent Nos.1 & 2.

4. The applicant is at liberty to file affidavit in rejoinder to the affidavit in reply filed on behalf of the respondent Nos.3 to 5.

5. S.O. to 20.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 794 OF 2022
(Ishvar S. Survase Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Record shows that the affidavit in reply is only filed on behalf of the respondent No.4.

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

4. S.O. to 23.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

**M.A.NO.273 OF 2021 IN O.A.ST.NO. 987 OF 2021
(Prakash N. Phulluke Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

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

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

3. At the request of the learned P.O., last chance is granted for filing affidavit in reply on behalf of the respondent No.1.

4. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO.93 OF 2022 IN O.A.NO.297 OF 2013
(Prakash B. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate holding for Shri M.R. Kulkarni, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned P.O., last chance is granted for filing affidavit in reply on behalf of the respondents in M.A.

3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

**M.A.NO. 516/2022 IN O.A.ST.NO. 1966/2022
(Vishal G. Waghmare & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The Original Application is filed challenging the seniority list. Both the applicants have aggrieved by the seniority list due to their alleged wrong placement. In view of the same, both the applicants are pursuing the similar cause of action and similar relief. Hence in order to avoid the multiplicity, leave to sue jointly is granted, subject to payment of court fee stamps, if not paid.

3. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION ST. NO. 1966 OF 2022
(Vishal G. Waghmare & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 06.01.2023.

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

4. 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.

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

7. S.O. to 06.01.2023.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1056 OF 2022
(Anant A. Kokate Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 06.01.2023.

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 06.01.2023.

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

MEMBER (A)

MEMBER (J)

**C.P.NO.07 OF 2021 IN O.A.NO. 768 OF 2017
(Rajan A. Lengde Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities. Shri S.B. Mene, learned Advocate for the respondent Nos.2 to 4 has filed a **leave note**.

2. At the request of the learned Advocate for the applicant, S.O. to 09.01.2023.

MEMBER (A)

MEMBER (J)

O.A.NOS. 124, 125 AND 155 ALL OF 2021
(Kiran B. Kamble & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Suresh Dhongde, learned Advocate holding for Smt. Suchita Dhongde, learned Advocate for the applicants in all these O.As. and Smt. M.S. Patni, learned Presenting Officer for the respondents in all these O.As.

2. S.O. to 10.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 29.11.2022

ORIGINAL APPLICATION NO. 485 OF 2021
(Amol J. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri M.G. Deokate, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, Shri Sanjay Wakure, learned Advocate for the respondent No.5 and Shri A.B. Chalak, learned Advocate for the respondent No.6.

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

3. S.O. to 11.01.2023.

MEMBER (A)

MEMBER (J)

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

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay S. Deshpande, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri Shailendra S. Kulkarni, learned Advocate for the respondent No.4.

2. S.O. to 11.01.2023 for admission.

MEMBER (A)

MEMBER (J)

**M.A.NO.25/2021 WITH M.A.NO.206/2020 IN
O.A.NO.1100/2019
(Yogesh S. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Shri G.K. Kshirsagar, learned Advocate for the applicants in M.A. No.25/2021 & for respondent Nos.85 to 101 in M.A.No.206/2020 (**Absent**). Shri Avinash Deshmukh, learned Advocate for the applicant in M.A.No.206 of 2020 & O.A.No.1100 of 2019, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these cases and Shri S.D. Joshi, learned Advocate for the respondent Nos.102 to 105 in M.A.No.206/2020. Shri S.S. Tope, learned Advocate for the respondent Nos.12 & 15 in M.A.No.206/2020, Shri Sachin Randive, learned Advocate for the respondent Nos.18, 19, 22, 23, 24, 28 to 32, 34 to 37, 39 & 40, 42 in M.A.206/2020 and Amol P. Ghule Patil, learned Advocate for the respondent Nos.81 to 84 in M.A.No.206/2020, are **absent**.

2. At the request of the learned P.O., S.O. to 30.11.2022 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO.506 OF 2022 IN O.A.NO.779 OF 2022
(Machindra N. Kanade Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 30.11.2022 for urgent admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 851 OF 2016
(Jagdish B. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 869 OF 2016
(Dhanraj T. Lazade Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 20.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A.NOS. 603 TO 609 AND 780 ALL OF 2017
(Jaideep A. Limbale & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants in O.A.Nos. 604 to 609 all of 2017, Ms. Preeti R. Wankhade, learned Advocate for the applicant in O.A.No.780/2017 and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. S.O. to 16.01.2023 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 705 OF 2018
(Akbar Khan Nadar Khan Pathan Vs. State of Maharashtra
& Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 08.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

**O.A.NO. 774 OF 2018 WITH O.A.NO.777 OF 2018
(Narayan D. Nagtilak & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

Shri Manish P. Tripathi, learned Advocate for the applicants in both the O.As. (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents in both the O.As.

2. S.O. to 03.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO.498/2019 IN O.A.ST.NO. 1959/2019
(Ramrao D. Rathod Vs. State of Maharashtra & Ors.)**

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 09.12.2022 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 29.11.2022

ORIGINAL APPLICATION NO. 540 OF 2019
(The Maharashtra State Gazetted Veterinary Officers Vs.
State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Shri P.R. Tandale, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. S.O. to 03.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 848 OF 2019
(Jitendra B. Bagul & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.11.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 02.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 29.11.2022

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

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

DATE : 29.11.2022

ORAL ORDER :

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

2. S.O. to 02.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri S.D. Dhongde, learned counsel holding for Smt. Suchita A. Dhongde, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 23.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

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

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Vikram S. Kadam, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent Nos. 2 & 3, are present.

2. Learned counsel for the applicant submits that he has not received copy of the affidavit in reply filed by the respondents. The same shall be provided to the learned counsel today itself. Learned counsel has sought time to file rejoinder affidavit, if it is so required.

3. S.O. to 7.12.2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 491 OF 2019
(Satish S. More Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri J.M. Murkute, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 24.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

**ORIGINAL APPLICATION NO. 117 OF 2020
(Shivaji V. Kale Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 17.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

ORIGINAL APPLICATION NO. 581 OF 2020
(Ganesh S. Khetre Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri V.P. Kadam, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 17.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

**ORIGINAL APPLICATION NO. 96 OF 2022
(Nagraj S. Patil Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

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

ORDER

The Original Application stands disposed of since withdrawn. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 165 OF 2018
(Sainath B. Turakane Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

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

ORDER

The Original Application stands disposed of since withdrawn. No order as to costs.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

**ORIGINAL APPLICATION NO. 654 OF 2022
(Shivnand D. Koli Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

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

2. Learned Presenting Officer has sought one more opportunity to file affidavit in reply. The request is opposed by the learned counsel for the applicant. However, in the interest of justice, last chance granted.

3. S.O. to 13.12.2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 584 OF 2020
(Gopalrao R. Kulkarni Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri M.L. Dharashive, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present.

2. Since none appears for the applicant, S.O. to 24.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

**ORIGINAL APPLICATION NO. 921 OF 2019
(Dr. Aasma Kalim Siddiqui Vs. State of Maharashtra &
Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Shankar B. Kendre, learned counsel holding for Shri R.P. Adgaonkar, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer, S.O. to 13.12.2022 for filing affidavit in reply.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

ORIGINAL APPLICATION NO. 834 OF 2019
(Ravikant R. Hadoltikar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Vivek G. Pingle, learned counsel for the applicant, Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri G.N. Patil, learned counsel for respondent No. 2, are present.

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

3. Learned counsel for respondent No. 2 has also tendered across the bar affidavit in reply on behalf of the said respondent and the same has been taken on record and copy thereof has been served on the other side.

4. At the request of learned Presenting Officer, S.O. to 23.1.2023 for filing affidavit in reply on behalf of respondent No. 1.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

**ORIGINAL APPLICATION NO. 370 OF 2021
(Jyoti K. Mote Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time to file affidavit in reply on behalf of all the respondents. Time granted.

3. S.O. to 23.12.2022.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

**ORIGINAL APPLICATION NO. 746 OF 2021
(Tilottama U. Bhatkar Vs. State of Maharashtra & Ors.)**

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

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

3. S.O. to 6.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

ORIGINAL APPLICATION NO. 343 OF 2022
(Dr. Satish F. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Smt. Anuradha S. Mantri, learned counsel for respondent Nos. 4 & 5, are present.

2. The present matter pertains to the jurisdiction of Division Bench. Remove from the board with direction to place it before the Division Bench. Interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

ORIGINAL APPLICATION NO. 389 OF 2021
(Baburao Chagan Mahire Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Yogesh H. Jadhav, learned counsel for the applicant has filed leave note. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities and Shri Sushil Pandit, learned counsel for respondent Nos. 2 to 4, are present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 6.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

ORIGINAL APPLICATION NO. 599 OF 2021
(Bhima Dalpat Chavan & Ors. Vs. State of Maha. & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Shri Yogesh H. Jadhav, learned counsel for the applicant has filed leave note. Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Sushil Pandit, learned counsel for respondent No. 5, are present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 6.1.2023.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

M.A.NO. 364/2022 IN O.A.ST.NO. 576/2022
(Sudam D. Kuchekar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri P.R. Bora, Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Heard Shri B.S. Doifode, learned counsel holding for Shri K.R. Doke, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The present application is filed seeking condonation of delay, which has occurred in filing accompanying O.A. by the applicant.

3. The applicant was charge-sheeted by the department on certain charges and the departmental enquiry was conducted against him some times in the year 2016-2017. The Disciplinary Authority passed the order of punishment on 29.6.2017, thereby awarding the punishment of imposing fine equivalent to one month's salary on the applicant and by keeping the suspension period as it is. Against the said order first departmental appeal was preferred by the applicant, which came to be decided on 13.11.2017. It was rejected. The applicant thereafter preferred second departmental

appeal and the same also came to be rejected vide order passed on 18.7.2018. The said order is challenged in the present O.A. and since some delay has occurred in filing accompanying O.A. the present M.A. is filed seeking condonation of delay.

4. Learned counsel appearing for the applicant submitted that in paragraphs 3, 3(d) & (e), as well as, in paragraph 4, the reasons for occurrence of delay, are recorded by the applicant. Learned counsel submitted that in the meanwhile period because of Corona Pandemic, the applicant could not approach this Tribunal. Learned counsel submitted that in the Writ Petition Sue-Moto W.P. (Civil) 03/2022 the Hon'ble Apex Court has given certain directions thereby extending the limitation for approaching the Court. According to the learned counsel, the case of the applicant is covered under the said directions. He, therefore, prayed for condoning the delay, which has occasioned.

5. The request so made on behalf of the applicant is opposed by the learned Presenting Officer for the respondents. Learned P.O. submitted that the order

which has been impugned in the accompanying O.A. was passed on 18.7.2018 and the Corona Pandemic started some times in March, 2020. In the meanwhile period, according to the learned P.O., it was quite possible for the applicant to approach this Tribunal. Learned P.O. submitted that in absence of any co-gent explanation provided for not approaching the Tribunal within that period, the delay cannot be condoned.

6. The delay which seems to have been occasioned in filing accompanying O.A. by the applicant is approximate of the period of 4 years. The entire thrust of the applicant is on the directions issued by the Hon'ble Apex Court as about extension of limitation during the period of Corona Pandemic. However, having regard to the fact that the impugned order was passed much before commencing of the Corona Pandemic i.e. more than one and half years before Corona Pandemic for which there appears no co-gent and sufficient explanation from the side of the applicant. I am, therefore, not inclined to condone the delay, which has occasioned in filing accompanying O.A.

**:: - 4 - :: M.A.NO. 364/2022 IN
O.A.ST.NO. 576/2022**

Though it is true that while considering the application for condonation of delay, the Courts are to adopt liberal approach, unless there are just and sufficient reasons mentioned for occurrence of delay, the request for condonation of delay cannot be considered. In the present matter there is no explanation as to why the applicant did not approach after 18.7.2018 before Corona Pandemic started. The reasons, which are stated appears to be quite unsatisfactory. In absence of just and sufficient reasons, application deserves to be rejected and is accordingly rejected. Consequently, the registration of accompanying O.A. stands refused. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 29.11.2022-HDD

ORIGINAL APPLICATION NO. 52 OF 2021
(Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Heard Ms. P.S. Gondhalekar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities and Shri S.B. Solanke, learned counsel for respondent Nos. 3 & 4.

2. When the present matter is taken up for consideration, learned counsel appearing for respondent Nos. 3 & 4 has tendered across the bar short affidavit on behalf of the said respondents. Same is taken on record. The copy of the same is given to the other side. Respondent No. 1 has already filed affidavit in reply. The parties are, therefore, directed to argue the matter on the point of maintainability.

3. The respondents have raised an objection as about the maintainability of the present O.A., in view of the provisions under the Sexual harassment of Women at Workplace (Prevention, Prohibition and

Redressal) Act, 2013. Section 18 of the said Act pertains to filing of an appeal, which reads thus,-

“18. (1) Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.

4. Learned counsel appearing for the applicant had placed reliance on the order passed on 14.09.2021 by the Principal Bench of this Tribunal at Mumbai in O.A. No. 326/2020, wherein similar objection was raised. I have gone through the said order. The Principal Bench of this Tribunal in the aforesaid matter after recoding elaborate reasons has held that the O.A. is maintainable as the appeal is filed under Section 18 of the Sexual Harassment of Women in the Workplace (Prevention, Prohibition and Redressal)

Act 2013 and the Tribunal has jurisdiction to try and entertain the same. No contrary legal pronouncement is brought to my notice by the respondents. In the circumstances, relying on the order passed by the Principal Bench of this Tribunal on 14.9.2021 in O.A. No. 326/2020, the present O.A. is held maintainable as the appeal filed under Section 18 of Sexual harassment of Women in the Workplace (Prevention, Prohibition and Redressal) Act, 2013.

5. Parties are directed to file their affidavit in reply in the O.A. by the next date.

6. S.O. to 4.1.2023.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 167 OF 2021
(Rupesh Shriram Nagrale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri Justice P.R. Bora,
Vice Chairman

DATE : 29.11.2022

ORAL ORDER :

Heard Shri M.B. Kolpe, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. The present Original Application is filed by the applicant seeking following reliefs: -

“A. Original Application may kindly be allowed.

B. The respondent No. 2 may kindly be directed to take steps to appoint the applicant on compassionate ground forthwith.

C. The respondent No. 2 may kindly be directed to decide the representations dated 28.09.2020 made by the present applicant.

3. It is not in dispute that the father of the present applicant was working as Peon in the office of District Soldier Welfare Committee at Dhule and he died while in service on 22.4.2006. On 29.5.2006 the applicant submitted an application to the said office

i.e. District Soldier Welfare Committee at Dhule, seeking appointment on compassionate ground. The application so submitted by the applicant was forwarded by the said office to the Collector office at Dhule on 30.8.2006 for including the name of the applicant in the consolidated list maintained at the said office for appointments on compassionate ground. It is also not in dispute that accordingly the name of the applicant has been included in the consolidated list maintained at the Collector Office at Dhule and the name of the applicant is shown at Sr. No. 18 in the said list as on 30.6.2021.

4. It is the grievance of the applicant that the candidates who are shown below him in the consolidated seniority list maintained at the Collector office at Dhule, have been given appointments on compassionate ground by superseding the claim of the applicant. It is the specific case of the applicant that the candidates at Sr. Nos. 19, 20, 23 onwards up to 129 have been issued appointment orders ignoring the claim of the applicant, who is at Sr. No. 18. It is, therefore, the contention of the applicant that while giving appointment on compassionate ground

discriminatory practices have been adopted, which is violative of Article 14 of the Constitution. In the circumstances, the prayer has been made seeking direction against the respondents.

5. Few facts are relevant to be noted in addition to the facts as aforesaid, which are thus: Father of the applicant was in service of the District Soldier Welfare Committee at Dhule. In the said office the appointments are given only to the Ex-military persons. The said office cannot appoint any person other than Ex-serviceman, meaning thereby that the legal heirs of the employees in the said office though are entitled for the benefit of appointment on compassionate ground, they may not get the appointment in the said office, but in some other office on the equivalent post.

6. In the Government Resolution dated 21.9.2017 all the previous GRs, Circulars and Notifications issued pertaining to the appointment on compassionate ground are consolidated. The procedure as about maintaining of waiting list for appointment on compassionate ground is prescribed in clause 17 of the said G.R. Insofar as Soldier

Welfare Board, Pune and the Soldier Training Institute at Aurangabad are concerned they are in clause १७(अै) of the said G.R.

7. The request so made by the applicant in the application is opposed by the respondents by filing their affidavit in reply. In paragraph No. 6 of the affidavit in reply, the respondents have answered the allegation as has been made by the applicant, in paragraph No. 6, which reads thus,-

“06. I say and submit that, in para (viii) the applicant’s contention that have made discrimination and have appointment to the candidate who were below the name of present applicant who are at Sr. No. 19, 22, 23 etc.” are false, incorrect and illegal, therefore it is denied by the deponent. I humbly say and submit that, those appointment are made by their concerned original/ regional office/ department from their regional/ office Anukampa waiting list where their deceased service person worked as per seniority and qualification and their names has been communicated by concerned department to respondent No. 2. Accordingly their names are removed from common District Anukampa Waiting list maintained by Collector/ respondent No. 2. That entire procedure carried out as per G.R. direction issued in dated 22/08/2005.

Therefore, there is no any discrimination done by respondent. As per procedure guided in Government Resolution issued time to time by state and now consolidated as per GR dated 21/09/2017 are followed by respondent No. 2. Therefore, the contents made by applicant are not tenable as per provisions of law and hence it is denied by the deponent.”

8. In the arguments advanced on behalf of the respondents the learned Presenting Officer has emphasized the stand taken by the respondents in the said paragraph No. 6. Learned counsel for the applicant submits that if the contention as has been raised on behalf of the respondents and some of the clauses, which are incorporated in the G.R. dated 21.9.2017 are considered the very object behind making the provision of giving compassionate appointment is frustrated. Learned counsel, in the circumstances, has prayed for direction as are prayed by the applicant in his O.A.

9. As provided in the G.R. dated 21.9.2017, the consolidated list of the candidates eligible to be appointed on compassionate grounds, is maintained at the Collector office of the District and the

departments of the State can also maintained their own waiting list at the departmental level. It is further provided in the said G.R. that the said departments however, must inform the collectorate for inclusion of the names on their waiting list in the consolidated or common waiting list maintained at Collector office and if appointment is given to any candidate on their waiting list, the said department shall immediately inform the said fact to the Collector office with the request to delete the name of the said person from the waiting list.

10. In the present matter though it is the grievance of the applicant that candidates at Sr. No. 19 onwards up to Sr. No. 129 have been given appointments ignoring his claim and discarding his seniority, in the affidavit in reply it has been clarified by the respondents that all such candidates have been given appointments by their respective departments and after such candidates are appointed their names have been removed from the common waiting list. Though the learned counsel for the applicant has disputed the said fact, there is

no such material on record so as to accept or to sustain his objection.

11. As provided in the Government Resolution dated 21.9.2017, in any of the departments coming under the supervision of Collectorate of the said district, if there is no waiting list maintained of the candidates eligible for appointment on compassionate ground or though it is maintained the entire list has been exhausted and thereafter some vacancies arise, such department has to write to the Collector Office to forward the name of the candidate as per his seniority in the waiting list for his appointment in the said department on compassionate ground. It is not the case of the applicant that any such request was made by any of the department with Collector Office, Dhule and on such request, while forwarding/recommending the names by the Collector office his seniority has been discarded or ignored.

12. In the facts and circumstances as above it does not appear to me that any error can be found on the part of the respondents. It is unfortunate that

father of the applicant was working in the District Soldier Office, wherein he cannot be appointed on the compassionate ground. In existence of G.R. dated 21.9.2017, the only option for the applicant is to wait until his turn comes. It is true that the applicant's name has been included in the consolidated waiting list some times in the year 2006. Having regard to the facts as aforesaid the O.A. can be disposed of with the following directions: -

ORDER

Respondent No. 2 shall ensure that no person junior to the applicant in the waiting list of the candidates eligible for appointment on compassionate ground is recommended for appointment on compassionate ground by it, if any such request is received to his office.

(ii) The Original Application stands disposed of however, without any order as to costs.

VICE CHAIRMAN