

**M.A.NO. 371 OF 2023 IN O.A.ST.NO. 1179 OF 2023
(Pradip T. Kamble & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. There is a delay of 2 years and 7 months caused in filing the accompanying Original Application.

3. Learned counsel for the applicants submits that the applicants came to be appointed in the Home Department and they had worked at various Police Stations under the control of the respondents. All the applicants retired from service on different dates in between 2017 to 2022. During that period, after retirement the respondent No.2 has directed to recover the amount on account of excess payment made to the applicants towards pay and allowances. However, no recovery orders have been issued by the respondent No.2 to the applicants.

4. Learned counsel for the applicants submits that the applicants have personally approached to

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the office of respondent No.2 for refund of the recovered amount from their retirement benefits. Learned counsel for the applicants submits that the principle laid down by the Hon'ble Apex Court in the case **State of Punjab & Ors. Vs. Rafiq Masih (White Washer) reported in 2015 (4) SCC 334** is squarely applicable to the case of the applicants and even though the Special Inspector General of Police by communication dated 05.09.2018 directed not to recover the amount and take necessary action for refund of the amount, the respondents have not refunded the said amount to the applicants. There is no inaction on the part of the applicants and there is no intentional or deliberately delay in approaching this Tribunal.

5. Learned Presenting Officer has strongly resisted the application for the reason that there is an inordinate delay in approaching this Tribunal for which no satisfactory explanation has been tendered. Learned P.O. submits that the applicants came to be retired on different dates and the recovery on account of excess amount paid to them has been made from their retirement benefits. There

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is no substance in this Original Application and the same is liable to be rejected.

6. It appears that the applicant Nos. 1,2,4,5 & 7 to 12 are the Assistant Sub Inspectors falling in Class-III employees and applicant Nos. 3 & 6 are the Head Constable falling in Class-IV employees. It appears that the ratio laid down in the case **State of Punjab & Ors. Vs. Rafiq Masih**, prima-facie, is squarely applicable to the case of applicants and as such, the recovery is not permissible. There is no inaction on the part of the applicants and there is no intentional and deliberately delay. The applicants have approached the respondent authorities for refund of the amount in terms of communication issued by the Special Inspector General of Police in this regard. Thus, considering the entire facts of the case, I am inclined to condone the delay subject to some costs. Hence, the following order:-

ORDER

The Misc. Application No. 371/2023 is allowed in following terms:-

- (A) The delay of 2 years and 7 months caused in filing the accompanying O.A.

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under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 500/- (Five Hundred only) per applicant. The amount of costs to be paid to the Bar Association, MAT and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.

- (B) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1179 OF 2023
(Pradip T. Kamble & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri A.G. Ambetkar, learned counsel for the applicants and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 08.07.2024.

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.

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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 08.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 29.04.2024

**M.A.NO. 425 OF 2023 IN O.A.ST.NO. 1366 OF 2023
(Gambhir K. Mangale Vs. State of Maharashtra & Ors.)**

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

DATE : 29.04.2024

ORAL ORDER :

Shri S.A. Raut, learned counsel holding for Shri N.L. Choudhary, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

**M.A.101/2024 IN M.A. 209/2022 IN O.A.ST. 108/2021
(Ashok R. Jujgar Vs. State of Maharashtra & Ors.)**

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

DATE : 29.04.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 05.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

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

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

DATE : 29.04.2024

ORAL ORDER :

Shri Dilip Mutalik, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

Shri S.B. Solanke, learned counsel for respondent Nos. 3 & 4, is **absent**.

2. At the request of learned counsel for the applicant, S.O. to 08.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 997 OF 2022
(Rekha D. Shinde & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri S.N. Suryawanshi, learned counsel for the applicants, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 08.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 19 OF 2023
(Dr. Ajit P. Thorbole Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 20 OF 2023
(Nanasaheb S. Agale Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants in both the O.As., is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities in both the O.As, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 19.06.2024 for hearing.

MEMBER (J)

Later On:-

Shri S.D. Joshi, learned counsel for the applicants in both the O.As. in the first session itself present and requested for continuation of interim relief.

2. In view of same, S.O. to 19.06.2024 for hearing. Interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 129 OF 2023
(Abhay P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

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

3. Learned P.O. seeks time to go through the rejoinder. Time granted.

4. S.O. to 09.05.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 149 OF 2023
(Vijay R. Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 08.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 591 OF 2023
(Sanjay P. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri P.B. Umrani, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 08.05.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 866 OF 2023
(Nana P. Ingle Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri Anand S. Deshpande, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant seeks time to file affidavit in rejoinder since the copies of reply filed by respondent Nos. 5 & 6 are not received by learned counsel.

3. S.O. to 28.06.2024 for filing affidavit in rejoinder, if any/for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 903 OF 2023
(Veena A. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri M.L. Wankhade, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 08.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 954 OF 2023
(Swaruptchand R. Barwal Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri M.S. Mahajan, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 08.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 174 OF 2017
(Dr. Madhav F. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant has filed a **leave note**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 09.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 830 OF 2018
(Shailendra H. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri S.B. Patil, learned counsel for the applicant and Shri M.V. Bhamre, learned counsel for respondent No.5, are **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant and learned counsel for respondent No.5, S.O. to 09.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

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

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

DATE : 29.04.2024

ORAL ORDER :

Smt. Rutuja Kularni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 08.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

**M.A.NO. 19 OF 2024 IN O.A.ST.NO. 95 OF 2024
(Ravindra P. Garbade Vs. State of Maharashtra & Ors.)**

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

DATE : 29.04.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 4. The same is taken on record and copy thereof is given to learned counsel.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondent No.5 i.e. the Accountant General-II, Nagpur. Time granted.

4. S.O. to 09.07.2024.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

**ORIGINAL APPLICATION NO. 339 OF 2024
(Dilip W. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 29.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that all the respondents have been duly served. Learned counsel for the applicant is going to submit service affidavit to that effect in the office.

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

4. S.O. to 20.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1098 OF 2023
(Manoj A. Dusane Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri S.B. Ghute, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned C.P.O. submits affidavit in reply on behalf of respondent No.3. The same is taken on record and copy thereof is already given to learned counsel for the applicant.

3. List the matter for filing affidavit in rejoinder, if any and for admission hearing on 08.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 355 OF 2024
(Sanjay P. Mirajkar Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri Sanjay P. Mirajkar, applicant in person, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri N.S. Kadam, learned counsel for respondent No.3.

2. The applicant who is serving as Assistant B.D.O., Zilla Parishad, Nanded is present in person. He has already forwarded the communication through post expressing his desire to withdraw the Original Application.

3. Learned counsel representing the applicant is absent.

4. Learned counsel for respondent No.3 i.e. Chief Executive Officer, Zilla Parishad, Nanded is present who after going through the Aadhar Card and Election Card of the applicant identified the applicant as a person working as a Assistant B.D.O., Zilla Parishad, Nanded.

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5. At the request of this Tribunal, learned counsel for respondent No.3 has tried to call upon the learned counsel representing the applicant to apprise her about the present status. However, learned counsel representing the applicant seems to be busy in one another matter.

6. The applicant in person submits that he is suffering from Cancer and as such, he is not in a position to attend the matter on any other date. The applicant has personally stated in the open court before this Tribunal that he does not want to proceed with the Original Application and seeks leave to withdraw the same.

7. In view of above, leave as prayed for is granted. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

**M.A.NO. 471 OF 2023 IN O.A.ST.NO. 1797 OF 2023
(Dr. Yadav S. Sonkamble Vs. State of Maharashtra & Ors.)**

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

DATE : 29.04.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Even though the last chance is given, no reply has been filed on behalf of respondents.

3. List the matter for hearing on 05.07.2024 with liberty to other side to reply, if any, till then.

MEMBER (J)

SAS ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 312 OF 2024
(Vinod A. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri Shaikh M.S., learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.A. Raut, learned counsel holding for Shri N.L. Choudhari, learned counsel for respondent No.3, are present.

2. Learned P.O. and learned counsel for respondent No.3 seek one week's time to file affidavit in reply. Time granted.

3. S.O. to 09.05.2024. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 496 OF 2024
(Dr. Sunil G. Vidhate Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri B.V. Virdhe, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant is working in the cadre of Maharashtra Medical Services, Group-B as Assistant Professor (Forensic Medicine & Toxicology), Government Medical College, Chh. Sambhajinagar.

3. Learned counsel for the applicant submits that by order dated 28.03.2024 in view of the inspection by National Medical Commission, New Delhi was proposed, the applicant came to be transferred from Government Medical College, Chh. Sambhajinagar to Government Medical College, Jalgaon. Learned counsel submits that by order dated 02.04.2024 i.e. within a few days the said order of transfer came to be cancelled. Learned counsel further pointed out that by order dated 23.04.2024, the applicant again transferred from Government Medical College, Chh.

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O.A. No. 496/2024

Sambhajingar to Government Medical College, Jalgaon and he has stated to be relieved on the date of order itself.

4. Learned counsel for the applicant submits that in the Public Interest Litigation No. 47/2021, the Division Bench of Hon'ble High Court, Bench at Aurangabad in the orders dated 20.04.2023 and 14.06.2023 has specifically observed that in view of the inspection being carried out, several doctors comprising of Professors, Associate Professors, Assistant Professors in various subjects are being deputed to the newly established Government Medical Colleges at Parbhani and Osmanabad. Even the Division Bench has observed that since the National Medical council has visited the newly established Government Medical College at Parbhani and Osmanabad that these deputation orders are issued so as to remove the deficiencies pointed out by the National Medical Council and this eyewash is created by the State Government to create a make-believe picture.

5. Learned counsel for the applicant submits that in the instant matter also within a few days, the

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O.A. No. 496/2024

transfer and posting orders have been passed frequently on the basis of telephonic message without constituting Civil Service Board and without any recommendations by the said Board. Learned counsel submits that it is not necessary to state that in moving of the Government employee even by way of deputation is amounting to transfer.

6. Prima-facie, I find much substance in the submissions made on behalf of the applicant. Learned counsel on instructions submits that even though in the impugned order of transfer it is stated that on the date of order itself the applicant has been relieved, however, he is still working at Government Medical College, Chh. Sambhajinagar.

7. In view of above submissions, if the applicant is not relieved, **the parties are directed to maintain status-quo as on today till the next date of hearing.**

8. Issue notices to the respondents, returnable on 12.06.2024.

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

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O.A. No. 496/2024

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

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

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

13. S.O. to 12.06.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 481 OF 2024
(Ranjana K. Phulari Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that by way of this Original Application the applicant is seeking directions to the respondent Nos. 2 and 3 to decide the request applications dated 17.11.2023 and 16.04.2024 submitted by the applicant about her transfer and in the alternate respondent Nos. 2 and 3 may be directed to allow the applicant at respondent No. 4 college for further one year. Learned counsel submits that the purpose of filing of the present Original Application will be fulfilled if the directions are given to the respondent Nos. 2 and 3 to decide the representation submitted by the application on 16.04.2024 in time bound manner.

3. Learned Presenting Officer submits this Original Application may be disposed of by giving suitable directions to decide the representation of

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O.A. No. 481/2024

the applicant. However, the said representation may be directed to be decided on its own merits.

4. It appears that the applicant has spent more than six years at Ahmedpur and thereafter, she has been transferred to respondent No. 4 College and till this date, the applicant is working there. By order dated 31.05.2023, the applicant came to be transferred to Industrial Training Institution, Vashi, Dist. Dharashiv and by letter dated 13.06.2023, respondent No. 4 college requested respondent Nos. 2 and 3 for extension of the period of the applicant. In response to the said request, the respondent No. 3 issued order dated 14.08.2023, thereby extended the period of four Craft Teachers including the applicant up to 31.04.2024. At present even though the said extension is also completed by the applicant, however, she is seeking extension for another one year on account of health issues of her parents, so also, due to education of her daughter. The applicant has also submitted application / representation dated 16.04.2024 to that effect.

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O.A. No. 481/2024

5. In view of above and as submitted by the applicant certain posts of Craft Teacher are still vacant at respondent No. 4 College, the respondent Nos. 2 and 3 may consider the representation submitted by the applicant dated 16.04.2024 sympathetically considering the difficulties as stated in the representation on its own merits. The Original Application is accordingly disposed of. No order as to costs.

MEMBER (J)

KPB ORAL ORDER 29.04.2024

O.A. No. 44 OF 2023 with Caveat No. 3/2023
(Prashant Bhawansingh Kuchhawa Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri M.B. Baharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant after completion of his oral submissions, submits written notes of arguments. Same is taken on record and copy thereof is given to other side.

3. Learned Chief Presenting Officer seeks time to go through the written notes of arguments and make oral submissions, if necessary or to file written notices of arguments, if so needed. Time granted.

4. Learned C.P.O. placed before this Tribunal original notings made by the Department with regard to the continuation of suspension by way of reviewing earlier order of suspension of the applicant. Learned C.P.O. submits that true copies of the said notings will be placed before this Tribunal for perusal and the original record since received from the Mantralaya, the same may be returned.

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O.A. No. 44/2023

5. In view of above submissions, learned C.P.O. is directed to submit on record the true copies of the said notings and on submission of the true copies, the original record shall be returned to learned C.P.O.

6. It is a part heard matter. S.O. to 07.05.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 297 OF 2023
(Prashant Bhawansingh Kuchhawa Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant, Shri M.B. Baharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri R.R. Imale, learned counsel for respondent No. 4.

2. Learned counsel for the applicant on instructions from the applicant seeks leave to withdraw the present Original Application.

3. Leave granted. The Original Application stands disposed of as withdrawn. No order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 1085 OF 2023
(Raj L. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is already given to learned Presenting Officer.

3. Pleadings completed. List the matter for admission hearing on 20.06.2024.

MEMBER (J)

KPB ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 542 OF 2022
(Nagnath S. Popalwar Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri S.N. Janakwade, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 27.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 73 OF 2024
(Dipak N. Dongare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicants and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. List the matter for filing rejoinder affidavit, if any and for admission hearing on 28.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 256 OF 2024
(Sachin D. Bhume Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri Sujit Varma, learned counsel holding for Shri Joslyn Menezes, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 2 and 3 and submits that respondent No. 1 is adopting the affidavit in reply filed on behalf of respondent Nos. 2 & 3. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. List the matter for filing rejoinder affidavit, if any and for admission hearing on 14.06.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

M.A. No. 94/2024 in O.A. St. No. 171/2024
(Amolsinh P. Gour Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri S.B. Sontakke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 03.07.2024.

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

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

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

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

7. S.O. to 03.07.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 672 OF 2023
(Ganpat U. Radkar Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that para-wise reply has been received and the affidavit in reply on behalf of respondent Nos. 1 to 4 will be filed soon.

3. S.O. to 03.07.2024.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 241 OF 2024
(Avinash E. Misal Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri S.V. Kulkarni, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Even though the present matter is listed along with objection, none present for the applicant.

3. As none present for the applicant, S.O. to 28.06.2024.

MEMBER (J)

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

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

DATE : 29.04.2024

ORAL ORDER :

Smt. S.A. Ghate-Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent No. 4, are present.

2. It is a part heard matter. At the request of learned Presenting Officer, so also, learned counsel appearing for respondent No. 4, S.O. to 18.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 110 OF 2021
(Dr. Namdeo R. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. In compliance with the order dated 15.04.2024, learned counsel for the applicant submits copy of the Government Notification dated 02.02.2009 along with two judgments. Learned counsel submits that the applicant has already placed on record a copy of G.R. dated 8.11.2023. Same is taken on record and copy thereof is given to learned Presenting Officer.

3. Learned Presenting Officer seeks time to go through the entire compilation and after taking instructions from the respondent authorities, make appropriate submissions on the next date of hearing. Learned P.O. seeks leave to file short affidavit in reply, if so needed.

4. It is a part heard matter. S.O. to 14.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2023
(Ashok B. Shejwal Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Heard Shri Shaikh Mazhar A. Jahagirdar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 07.05.2024 for further hearing.

MEMBER (J)

M.A. No. 567/2019 in O.A. St. No. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri Deepak Rodge, learned counsel holding for Shri R.D. Biradar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 04.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 29.04.2024

M.A. No. 41/2023 in O.A. St. No. 346/2021
(Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 29.04.2024

ORAL ORDER :

Shri P.V. Suryawanshi, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 05.07.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 491 OF 2024
(Ashwini S. Deshmukh Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

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

2. Issue notice to the respondents, returnable on 14.06.2024.

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

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

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

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

7. S.O. to 14.06.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

C.P.NO. 35/2024 IN O.A.NO. 702/2023

(Nitin S. Hagare Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri Shrikrashna B. Solanke, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue simple notice to the respondents, returnable on 02.07.2024.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 02.07.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

ORIGINAL APPLICATION NO. 496 OF 2021

(Prathamesh Sudhakar Vaidhya & Ors. Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri R.K. Ashtekar, learned counsel for the applicants, Shri V.G. Pingle, learned Presenting Officer for the respondent authorities and Shri K.G. Salunke, learned counsel for respondent Nos. 8 to 10 & 12, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply to the amendment carried out by the applicants. The same is taken on record.

3. Learned counsel appearing for the private respondents seeks time to file affidavit in reply. Time granted.

4. S.O. to 10.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

REV. NO. 6/2023 IN O.A.NO. 490/2018
(Bhanudas Dhannodas Vaishnav Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Smt. Vishakha Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Due to paucity of time, this matter cannot be heard today. List the matter for hearing on 12.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

T.A.NO. 03/2024 (W.P. NO. 1216/2024)
(Nagej Mohan Kandare Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri S.A. Raut, learned counsel holding for Shri N.L. Choudhari, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel appearing for the applicant seeks time. Time granted.

3. S.O. to 28.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

**ORIGINAL APPLICATION NO.997, 998, 999, 1000, 1001,
1002, 1003, 1004, 1006, 1097, 1098 & 947 All of 2019
(Dr. Ahmed Munibuddin & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 29.04.2024

ORAL ORDER :

Shri M.R.Kulkarni, learned Counsel for the applicants in all these matters except O.A. No. 947/2019, Ms. Preeti Wankhade, learned counsel for the applicant in O.A. No. 947/2019 and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 03.05.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

ORIGINAL APPLICATION NO. 828 OF 2023
(Dadasaheb Sukhdev Aandhale Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Ms. Pooja S. Mundhe, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer seeks time to file affidavit in reply. The request is opposed by the learned counsel for the applicant. On 7th March, 2024 last chance was granted to the respondents to file affidavit in reply till today. The request, therefore, cannot be accepted.

3. List the matter for hearing without affidavit in reply of the respondents.

4. S.O. to 05.07.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 25/2023 IN O.A.NO. 205/2021
(Ramesh Y. Gunjal Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant has tendered across the bar the order issued in favour of the applicant. The same is taken on record.

3. Learned counsel submits that in view of the aforesaid order the order passed by this Tribunal has been complied with. In the circumstances, the following order is passed: -

ORDER

The Contempt Petition stands disposed of however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 941/2022, 942/2022 & 02/2023
(Ramesh Dhupaji Narwade & Ors. Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicants
Shri V.G. Pingle, learned Presenting Officer for the
respondent authorities in all these matters, are present.

2. In all these matters the record of enquiry
proceedings will be necessary. Learned Presenting
Officer is directed to produce the entire said record on
the next date of hearing.

3. S.O. to 13.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

ORIGINAL APPLICATION NO. 459 OF 2023

(Dr. Pradnya Yoseph Ohol Vs. the State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri Chandrakant P. Patil, learned counsel for the applicant Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

ORIGINAL APPLICATION NO. 492 OF 2024
(Mahendra Bhimsen Takpire Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Issue notice to the respondents, returnable on 21.06.2024.

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

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

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

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

7. **The prayer of interim relief is kept open.**

8. S.O. to 21.06.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 215 OF 2024

(Pranad S/o Sudhakar Mundhe Vs. the State of Maharashtra & Ors.)

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND**

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri A.R. Tapse, learned counsel holding for Shri Yogesh K. Bobade, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The present case is not on board. At the request of learned counsel appearing for the applicant, it is taken on board.

3. Learned counsel appearing for the applicant seeks leave to correct the address of respondent No. 4 and has prayed for issuance of fresh notice to the said respondent on the corrected address. Hence, the following order: -

ORDER

(i) Leave granted as prayed for. The necessary amendment be carried out forthwith.

(ii) After carrying out the amendment, issue fresh notice to respondent No. 4 on the corrected address, returnable on 16.06.2024.

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

(iv) 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.

(v) 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.

(vi) 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.

(vii) S.O. to 16.06.2024.

(viii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

M.A.NO. 455/2023 IN O.A.ST.NO. 1772/2023
(Yeshwant Krishnarao Khadse Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri Anand Chawre, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is 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.

3. Since nobody appears for the applicant, S.O. to 10.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

M.A.NO. 205/2021 IN O.A.ST.NO. 2467/2019
(Vijaykumar Bansilal Rathi Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri M.M. Bhokarikar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

C.P.NO. 28/2024 IN O.A.NO. 01/2015
(Dr. Balaji G. Phalke Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri J.S. Deshmukh, learned counsel for the applicant (**absent**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 20.06.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

ORIGINAL APPLICATION NO. 28 OF 2023
(Vijay Rajendra Sarole Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Ms. Vishakha Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

Shri K.F. Shingare, learned counsel for respondent No. 3 (**absent**).

2. S.O. to 10.06.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

ORIGINAL APPLICATION NO. 64 OF 2022
(Bhimrao Khobraji Gaikwad Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

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

2. S.O. to 10.06.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 29.04.2024-HDD

ORIGINAL APPLICATION NO. 786/2022
(Bapusaheb Warale vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

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

2. S.O. to 11.6.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 29.04.2024

ORIGINAL APPLICATION NO. 932/2023

(Ku. Sarwasti K. Makne & Ors. vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri (Dr.) S.G. Nandedkar, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered across the bar the communication dated 24.4.2024 received to the office of the Chief Presenting Officer from the Government. Same is taken on record. Learned P.O. submits that respondents do not wish to file separate reply to the amended O.A.

3. Hence, list the matter for hearing on 3.5.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 433/2024
(Sunil R. Patil vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

None appears for the applicant. Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 2.7.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 29.04.2024

ORIGINAL APPLICATION ST. NO. 1016/2024
(Jaheerkhan Shabbirkhan Pathan vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri Mahaeh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant is not knowing the addresses of respondent nos. 03 to 08. The applicant shall make an application in writing seeking the aforesaid information to the office concerned through the learned Chief Presenting Officer. Learned C.P.O. ensures that the addresses are provided to the applicant.

3. It is the contention of the applicant that though in the category of M.B.B.S. he is having more meritorious position superseding his claim respondent nos. 03 to 08 have been appointed. Learned counsel for the applicant submits that

respondent no. 03 has not joined according to the information of the applicant. In the circumstances, prayer is made for keeping the said post vacant till the decision of the present Original Application.

4. The learned Chief Presenting Officer has opposed for grant of any interim relief in favour of the applicant. Learned C.P.O. submits that nothing concrete is received whether the said respondent would join or would not join. The learned C.P.O. further submits that the selection process cannot be arrested at its fag end.

5. After having heard the learned counsel appearing for the applicant and the learned Chief Presenting Officer, we deem it appropriate to pass the following order:-

ORDER

Issue notice to respondents, returnable on 21.06.2024. **In the meanwhile if the orders of appointment are issued in favour of respondent nos. 03 to 08, the same shall be subject to outcome of the present Original Application.**

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

(iii) 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.

(iv) 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.

(v) 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.

(vi) S.O. to 21.06.2024.

(vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 958/2023
(Afrai Tamurkhan Pathan vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

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

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos. 02 to 04. Same is taken on record and copy thereof has been supplied to other side. Learned counsel for the applicant submits that applicant does not wish to file rejoinder affidavit.

3. List the matter for hearing on 09.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 355/2019
(Nagesh N. Unche & Ors. Vs. The State of Maharashtra & Ors.)

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

M.A. NO. 217/2020 IN O.A.. NO. 1072/2019
(Ajit S. Solanke & Ors. Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Shri D.R. Irale Patil, learned counsel for the applicants in all the O.As., S/shri Mahesh B. Bharaswadkar & V.G. Pingle, learned Chief Presenting Officer & Presenting Officer for the respondent authorities in respective matters, Shri Ajay S. Deshpande, learned counsel for respondent nos. 3 to 5 in O.A. No. 355/2019, respondent nos. 4 to 7 in O.A. No. 439/2019 and applicants in M.A. No. 217/2020 and Shri S.B. Mene, learned counsel for respondent no. 2 in O.A. No. 439/2019, are present. None appears for respondent nos. 1 & 2 in O.A. No. 1072/2019.

2. S.O. to 3.5.2024. **High on Board.**

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 212/2019

(Shri Sunder S. Waghmare Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 213/2019

(Shri Rajdhar K. Kandge Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 214/2019

(Shri Sarjerao N. Wagh Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned counsel for the applicants in all these matters and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in all these matters.

2. When the present matters were taken up for consideration, the learned counsel appearing for the applicants fairly conceded that in view of the judgment of the Hon'ble Division Bench of Bombay High Court in Writ Petition No. 5851/2023 decided on 23.6.2023, the present O.As. can be disposed of.

3. These applicants are seeking benefit under Government Resolution dated 29.11.1984. Under the said G.R. benefit of counting the service

rendered on the post of Jr. Engineer/Sectional Engineer is admissible while granting deemed date of absorption in the cadre of Assistant Engineers (Electrical) upon acquisition of degree in Engineering. The provisions under the said G.R. were superseded with the publication of the Recruitment Rules of 2009, which was notified in the official gazette dated 16.05.2009. The candidates who secured degree of Engineering before coming into force of the Recruitment Rules of 2009 were held entitled for the benefit under G.R. dated 29.11.1984. The applicants in the present matters have undisputedly secured degree of Engineering after coming into force of the Recruitment Rules, 2009. In the circumstances, the applicants cannot be held entitled for the benefit under G.R. dated 29.11.1984.

4. The Hon'ble Bombay High Court has dismissed the Writ Petition No. 5851/2023 with the same observations that the scheme of grant of additional weightage under the G.R. dated 29.11.1984 would come to end after promulgation of Rules.

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O.A. NO. 212/2019

5. It is thus evident that the applicants are not entitled for any relief as prayed in their Original Applications. The learned counsel for the applicants has therefore fairly prayed for disposal of these applications. Hence, the following order:-

ORDER

All these Original Applications stand dismissed, however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 165/2024 IN O.A. NO. 210/2024
(Shri Prem B. Totre vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Applicant has preferred the present Misc. Application seeking amendment in the Original Application stating that the events, which occurred after filing the O.A. have nexus with the O.A. Applicant also intends to add some contextual prayers.

3. Learned Presenting Officer submitted for passing appropriate order.

4. We have gone through the pleadings in the Misc. Application, as well as, prayers made therein. By amendment the nature of the O.A. is not likely to be changed. The amendment, which is sought to be carried out, is in consonance with the pleadings in the O.A., as well as, the prayer made therein. As such, we pass the following order:-

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**M.A. NO. 165/2024 IN
O.A. NO. 210/2024**

ORDER

- (i) The amendment application is allowed.
- (ii) The amendment as sought for be carried out within one week from the date of this order and copy of the amended O.A. be supplied to the other side.
- (iii) It would be open for the respondents to submit their affidavit in reply to the amended portion of the O.A.
- (iv) There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

O.A. NO. 210/2024

(Shri Prem B. Totre vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 29.04.2024

ORAL ORDER :

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Since by way of amendment the respondent no. 5 has been added as respondent.

3. Issue notice to added respondent, returnable on 19.6.2024.

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

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

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

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

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O.A. NO. 210/2024

Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. In view of the amendment made in O.A. the interim relief granted in favour of the applicant vide order dated 27.2.2024 cannot be extended further. The matter, however, be expedited and be taken for hearing.

9. S.O. to 19.6.2024

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

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 29.04.2024