

**C.P. No. 21/2019 in O.A. St. No. 1857/2017
(Vasant N. Phad Vs. State of Maharashtra & Ors.)**

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

DATE : 29.06.2021

ORAL ORDER :

Heard Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the applicant and Shri S.B. Mene, learned Advocate for the respondent Nos. 1 & 2.

2. At the request of learned Advocate for the applicant, S.O. to 09.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1030 OF 2019
(Dr. Jaya P. Dighe Vs. State of Maharashtra & Ors.)

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

DATE : 29.06.2021

ORAL ORDER :

Heard Ms. Nidhi Loya, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos. 1 to 4, Shri Ashish Rajkar, learned Advocate for respondent Nos. 5 to 12 & 14, Shri N.S. Choudhary, learned Advocate for respondent No. 13 and Shri A.R. Lukhe, learned Advocate holding for Shri A.S. Shelke, learned Advocate for respondent No. 15.

2. Record shows that affidavit in reply is filed only on behalf of respondent Nos. 13.
3. Record further shows that the respondents were served with notices by the order dated 23.02.2021.
4. In order to give fair opportunity to the other respondents, time is granted for filing affidavit in reply.
5. S.O. to 14.07.2021.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 454 OF 2020
(Ambadas P. Lagad Vs. State of Maharashtra & Ors.)**

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

DATE : 29.06.2021

ORAL ORDER :

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

2. Record shows that affidavit in reply is filed on behalf of respondent Nos. 2 to 4.
3. Learned Advocate for the applicant submits that he has not collected the copy of affidavit in reply.
4. Considering the nature of the proceedings, the present matter is fixed for hearing at the stage of admission on 15.07.2021.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 320 OF 2020
(Santosh N. Dhongade Vs. State of Maharashtra & Ors.)

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

DATE : 29.06.2021

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Record shows that pleadings are complete up to rejoinder affidavit.

4. Considering the nature of the proceedings, the present matter is fixed for hearing at the stage of admission on 15.07.2021.

MEMBER (A)

MEMBER (J)

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

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

DATE : 29.06.2021

ORAL ORDER :

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

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

3. S.O. to 16.07.2021.

MEMBER (A)

MEMBER (J)

**M.A. 116/21 with M.A. 237/19 in O.A. 42/2014
(State of Maharashtra & Ors. Vs. Surekha B. Andhale & Ors.)**

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

DATE : 29.06.2021

ORAL ORDER :

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the applicants in present M.A. (Respondents in O.A.) and Shri S.S. Jadhavar, learned Advocate for respondents in the present M.A. (Applicants in O.A.).

2. Arguments advanced by the both the sides are heard at length. The present matter is closed for orders.

MEMBER (A)

MEMBER (J)

M.A. 309/2020 in O.A. 431/2020
(Sujit D. Borkar Vs. P.G. Khule & State of Maharashtra & Ors.)

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

DATE : 29.06.2021

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant in the present M.A. (respondent No. 6 in O.A.), Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the respondent No. 1 in the present M.A. (applicant in O.A.) and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 2 & 3 in present M.A. (Respondent Nos. 1 & 2 in O.A.) and Shri S.P. Salgar, learned Advocate for respondent Nos. 4 to 6 in the present M.A. (Respondents 3 to 5 in O.A.).

2. By an order dated 19.05.2021, the present M.A. was kept pending in view of the communication dated 19.05.2021, document 'X' produced by the learned C.P.O., by which the claim of the applicant / respondent No. 6 was recommended for the post of Under Secretary (Legal)

3. Today, the learned Advocate for the applicant in the present M.A. (Respondent No. 6 in O.A.) placed on

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M.A. 309/2020 in
O.A. 431/2020

record a copy of order dated 10.06.2021 issued by the respondent No. 2 i.e. the Under Secretary, State of Maharashtra promoting the applicant /respondent No. 6 to the post of Under Secretary (Legal).

4. In view of the same, the entire prayer clause of the present M.A. said to have been satisfied. Consequently, the M.A. 309/2020 stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

M.A. 152/2021 in O.A. 431/2020

(Seema G. Patil & Ors. Vs. P.G. Khule & State of Maharashtra & Ors.)

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

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 29.06.2021

ORAL ORDER :

Heard Shri S.P. Salgar, learned Advocate for the applicants in the present M.A. (respondent Nos. 3 to 5 in O.A.), Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the respondent No. 1 in the present M.A. (applicant in O.A.) and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 2 & 3 in present M.A. (Respondent Nos. 1 & 2 in O.A.) and Shri S.D. Joshi, learned Advocate for respondent No. 4 in the present M.A. (Respondents No. 6 in O.A.).

2. The present M.A. is filed by the applicants/ respondent Nos. 3 to 5 in O.A., seeking directions against the respondent No. 3 to consider their representations made for granting promotion to the post of Under Secretary (Legal) and seeking modification in the interim order dated 19.10.2020. It is contention of the applicants that due to said interim relief granted by this Tribunal vide order dated 19.10.2020 promotions of this applicants have not

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M.A. 152/2021 in
O.A. 431/2020

been stalled and therefore, the present M.A. is made by them.

3. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondent Nos. 2 & 3.

4. Learned Advocate for the applicants/respondent Nos. 3 to 5 in O.A. submits that application made by the respondent No. 6 for joining him as a party respondent and for seeking direction of considering the representation made by him, as well as, representation made by the original applicant were considered by this Tribunal and requisite directions were given and as such he submits that there is urgency in passing similar order.

5. It is pertinent to note here that the applicants herein were joined as respondent Nos. 3 to 5 in the O.A. itself and they have filed their affidavit in reply in O.A. in December, 2020.

6. Learned Advocate for the applicants/ respondent Nos. 3 to 5 fairly submits that grievance of their representations is not raised in their affidavit in reply.

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M.A. 152/2021 in
O.A. 431/2020

7. In view of the same, and when the applicants/respondent Nos. 3 to 5 are raising contention even about the grant of Interim relief, in our opinion, opportunity is to be given to the respondents for filing affidavit in reply in the present M.A. Hence, adjournment is granted for filing affidavit in reply.

8. S.O. to 14.07.2021.

MEMBER (A)

MEMBER (J)

**O.A.NOS.810/2017, 705/2018, 773/2019,
766/2019, 809/2019, 66/2020, 120/2019,
195/2020, 234/2020, 253/2020 AND 254/2020
(Shaligram M. Sonawane & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 29.06.2021

ORAL ORDER :

Heard Shri Suresh D. Dhongde, Shri Avinash S. Deshmukh and Shri Kiran G. Salunke, learned Advocates for the respective applicants in respective O.As. and Shri M.S. Mahajan, learned C.P.O., Smt. Sanjivani K. Deshmukh-Ghate, Shri D.R. Patil, Shri S.K. Shirse, Smt. Deepali S. Deshpande, Shri I.S. Thorat, Smt. M.S. Patni and Shri B.S. Deokar, learned Presenting Officers for the respective respondents in respective O.As.

2. Record shows that pleadings are complete. All these matters are pertaining to Article 311(2) or Article 311(2)b of the Constitution of India. In all these matters there is grievance that without giving opportunity of hearing the impugned orders of dismissal from service are passed.

3. In the circumstances, these matters are posted for final hearing on 28.07.2021.

4. O.A.No.794/2019 be tagged along with these matters.

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO.444/2020 WITH
CAVEAT NO.14/2020**

(Alkesh D. Getme. Vs. State of Maharashtra & Ors.)

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

DATE : 29.06.2021

ORAL ORDER :

Heard Shri Shashikant T. Chalikwar, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1 & 2, Shri U.P. Giri, learned Advocate holding for Shri E.G. Irale, learned Advocate for the Respondent Nos.3 & 4 and Shri S.S. Tandale, learned Advocate holding for Shri B.R. Kedar, learned Advocate for the Respondent No.5.

2. Record shows that affidavit-in-reply is filed by all the Respondents.
3. Learned Advocate for the Applicant submits that he received copy of reply filed by Respondent Nos.3 & 4 today.
4. Learned Advocate for the Applicant seeks time to file affidavit-in-rejoinder. Time granted.
5. S.O. to 14.07.2021.

MEMBER (J)

ORIGINAL APPLICATION NO.202/2021

(Shri Balaji M. Kshirsagar Vs. State of Maharashtra & Ors.)

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

DATE : 29.06.2021

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the Applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the Applicant, issue fresh notice to the Respondent No.2, returnable on 22.07.2021.

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

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

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

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O.A. NO. 202/2021

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 22.07.2021.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO.748/2017

(Shri Parasram N. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 29.06.2021

ORAL ORDER :

Heard Ms. Nidhi Loya, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicant and Smt. M.S. Patni, learned Presenting Officer for the Respondent Nos.1,2,4,5 and 6.

2. None appears on behalf of Respondent No.3.

3. Record shows that the Original Application is amended and the amended copy served upon the Respondents.

4. Record shows that affidavit-in-reply is filed by the Respondents to the Original Application.

5. Learned P.O. seeks time for filing affidavit-in-reply to amended O.A. Time granted.

6. S.O. to 20.07.2021.

MEMBER (J)

Date : 29.06.2021

O.A. 293/2021

**(Dr. Khan Bushra Sultana D/o Ataulah Khan
V/s State of Maharashtra & Ors.)**

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

1. Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 5.8.2021. The case be listed for admission hearing on 5.8.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 29.06.2021
O.A. 294/2021
(Dr. Shaikh Kaleem Mustafa V/s State of
Maharashtra & Ors.)

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

1. Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 5.8.2021. The case be listed for admission hearing on 5.8.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 29.06.2021

O.A. 295/2021

(Dr. Zohra Sultana Ataullah Khan V/s State of Maharashtra & Ors.)

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

1. Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 5.8.2021. The case be listed for admission hearing on 5.8.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR

Date : 29.06.2021

O.A. 300/2021

**(Aabasaheb B. Ghayal V/s State of Maharashtra
& Ors.)**

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

1. Shri K.G. Salunke, learned Advocate for the applicant and Shri M.S. Mahajan, learned C.P.O. for respondents, are present.
2. Circulation is granted. Issue notice to the respondents, returnable on 12.7.2021. The case be listed for admission hearing on 12.7.2021.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

REGISTRAR