

**ORIGINAL APPLICATION NO.439/2020**  
**(Bhimrao Bangar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri M.K.Deshpande, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to file affidavit in rejoinder. Time is granted.
3. S.O. 07-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.162/2021**  
**(Abhiman Saindane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

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

2. Learned Advocate for the applicant prays for leave to withdraw the O.A. as it has become infructuous. Leave as prayed for is granted.
3. O.A. stands disposed of as withdrawn with no order as to costs.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.301/2019**  
**(Sakharam Rakh Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri V.G.Pingle, learned Advocate for the applicant, Smt. Sanjivani Ghate, learned Presenting Officer for the respondent no.1 and Shri S.B.Mene learned Advocate for respondent nos.2 to 4.

2. It is observed that yearwise abstract of bills i.e. of 2015 has been given on page 10 of the paper book. Yearwise abstracts of bills for 2016 and 2017 are not record. Even consolidated abstract does not reflect position of bills of the year 2015. In addition, the bills submitted by the applicant do not show on which date they were submitted to the office. Learned Advocate for the applicant has submitted explanation that original bills were misplaced in the office and therefore the applicant has to submit duplicate bills after his retirement. However, this has not been erroneously mentioned in the O.A.

3. Respondents have not submitted any explanation to above points in the affidavit in reply except that it is mentioned by respondents that some of the bills presented by the applicant are not countersigned by the supervisory officer.

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O.A.NO.301/2019

4. The applicant shall file a short affidavit on the above mentioned points in paragraph 2 on the next date and also submit corrected, discrepancy free abstracts of bills submitted yearwise and consolidated abstracts for years 2015 to 2017

5. S.O. 20-09-2021.

**MEMBER (A)**

YUK ORAL ORDERS 30.08.2021

**ORIGINAL APPLICATION NO.351/2019**  
**(Sangita Kalbande & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri V.G.Pingle, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant files affidavit in rejoinder. It is taken on record. Copy thereof has been served on the other side. Opportunity is given to other side to file sur-rejoinder.

3. Learned Advocate for the applicant has submitted that he is not insisting for benefit of waiting list of mother but he only wants that the applicant to be substituted in mother's place in waiting list and seniority be counted from the date of filing of his application as nominee for compassionate appointment. Learned P.O. states that he is not in a position to respond to this point and seeks time.

4. Time is granted to the respondents to file sur-rejoinder, if necessary.

5. S.O. to 20-09-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.279/2017**  
**(Rekha Bonalawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri V.G.Pingle learned Advocate holding for Shri V.D.Patnoorkar, learned Advocate for the applicant and Shri B.S.Deokar, learned Presenting Officer for the respondent nos.1 to 3. Shri A.D.Aghav learned Advocate for respondent nos.4 and 5 is **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 07-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.902/2019**  
**(Shivaji Thorat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

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

2. Learned P.O. has clarified that separate affidavit in reply for respondent no.1 is not necessary and he does not intend to file sur-rejoinder.

3. Learned Advocate for the applicant mentions that another O.A.No.683/2019 is similar as the present case and that may be tagged with present case and both the matters are before different Single Benches and those may be heard by one Single Bench. These cases will be heard by a Single Bench only on the next date.

4. S.O. 16-09-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.350/2020**  
**(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri V.G.Pingle learned Advocate holding for Shri K.G.Salunke, learned Advocate for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondents.

2. Learned P.O. states that he will file affidavit in reply during the course of the day. He also undertakes to serve copy of the same on the other side.

3. S.O. 15-09-2021.

**MEMBER (A)**



**ORIGINAL APPLICATION NO.351/2020**  
**(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

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

2. Learned P.O. states that she will file affidavit in reply during the course of the day. She also undertakes to serve copy of the same on the other side.

3. S.O. 15-09-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.352/2020**  
**(Ramraje Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

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

2. Learned P.O. states that she will file affidavit in reply during the course of the day. She also undertakes to serve copy of the same on the other side.

3. S.O. 15-09-2021.

**MEMBER (A)**

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

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri S.G.Kulkarni learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

2. Learned P.O. has filed two documents; one is relating to revocation of suspension order issued on 17-02-2021 and another one is report by Principal, Daulatrao Jadhav Prison Officers' Training College, Yerwada, Pune addressed to Additional Director General Police & Inspector General, Jails and Reforms Services dated 02-03-2021 reporting that the applicant has joined on the posting. Those are marked as document X-1 and X-2, respectively.

3. Learned Advocate for the applicant contends that his prayer clauses 20(B) ad 20(C) in page 8 of the paper book of O.A. are for reinstatement of the applicant as Jailor, Grade-II, Jalgaon. However, order passed by the authorities is for reinstatement and posting the applicant in Yerwada, Pune and to that extend cause of action continues to be there.

4. Learned P.O. seeks time to file reply. Time is granted.

5. S.O. 20-09-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.102/2021**  
**(Sangram Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri S.G.Kulkarni learned Advocate holding fro Shri S.D.Dhongde, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. 04-10-2021.

**MEMBER (A)**

**ORIGINAL APPLICATION NO.156/2021**  
**(Jayshree Sonwane Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri S.G.Kulkarni learned Advocate holding fro Shri S.D.Dhongde, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. 30-09-2021.

**MEMBER (A)**

**M.A.NO.36/2020 IN O.A.NO.940/2019**  
**(Ashok Phadnis Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri Bijay Kumar, Member (A)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

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

2. Learned Advocate for the applicant prays for adjournment. Adjournment is granted.

3. S.O. 22-09-2021.

**MEMBER (A)**

YUK ORAL ORDERS 30.08.2021

**ORIGINAL APPLICATION NO.141/2019**

**(Dr. Pandurang Gawali & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri S.G.Kulkarni learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri S.K.Shirse, learned Presenting Officer for the respondents.

2. This case be placed before the Division Bench in view of the Circular of the Hon'ble Chairperson, Maharashtra Administrative Tribunal, Mumbai on 20-09-2021.

3. **S.O. 20-09-2021 before the Division Bench.**

**MEMBER (A)**

**O.A.NOS.358/2018, 359/2018, 360/2018 AND  
361/2018**

**(Haseeb Ur Rehman & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri A.D.Sugdare, learned Advocate for the applicants and Shri I.S.Thorat, learned Presenting Officer for the respondents in respective cases.

2. Learned P.O. has filed communication dated 27-08-2021 received from the respondent no.1 seeking time to file reply. It is taken on record.
3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
4. S.O. 04-10-2021.

**MEMBER (A)**



**C.P. 3/2020 in C.P. 47/2018 in O.A. 138/2016**  
(Dr. Shaikh Faiz Mohammad Noor Mohammad Vs. State of Maharashtra & Ors.)

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri I.D. Maniyar, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri D.T. Devane, learned Advocate for respondent No. 4.

2. Learned Advocate for respondent No. 4 placed on record a copy of communication dated 20.08.2021 received from the respondent no. 4 stating that the interest on Leave Encashment and G.I.S. amount has been paid to the applicant. Moreover, proposal for interest on commuted value of pension and arrears of pension is also forwarded to the Accountant General-II, Nagpur. In view of the same, learned Advocate for respondent No. 4 submits that the order in question is fully complied with.

3. Learned Advocate for the applicant submits that the order in question is not yet fully complied with.

4. In view of above, S.O. to 04.10.2021 for filing affidavit in reply.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 223 OF 2020**  
**(Divya S. Nandi & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

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

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and copy thereof has been served on the other.

3. S.O. to 01.09.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 165 OF 2021**  
**(Anil Y. Rokade Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri I.D. Maniyar, learned Advocate holding for Shri R.A. Joshi, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent No. 1 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 and 3.

2. Learned Advocate for respondent Nos. 2 & 3 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 01.10.2021 for filing rejoinder affidavit, if any.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 308 OF 2021**  
**(Nita D. Magare Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 01.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 342 OF 2021**  
**(Kalpana T. Shelke & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. As regards observations recorded on last date i.e. on 25.08.2021, learned C.P.O. submits that he would require two more days to verify the position from the respondent No. 3 i.e. the Collector, Aurangabad. He also seeks time for filing affidavit in reply on behalf of respondent Nos. 1 and 2. Time granted.

3. S.O. to 14.09.2021. Interim relief granted earlier to continue till next date.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 363 OF 2021  
(Ganesh D. Nikam Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri Avinash A. Khande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 09.09.2021.

**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 : 30.08.2021**

**ORAL ORDER :**

Shri S.B. Solanke, learned Advocate for the applicants (**Absent**).

Heard Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 04.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 177/2021 in O.A. St. No. 724/2021  
(Raosaheb B. Gunjal Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Shri Avinash Khedkar, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 and 2.

2. Learned Advocate Shri Shamsunder B. Patil, submits that he has received instructions from the respondent Nos. 3 to 5 to appear on their behalf and he will file **VAKALATNAMA** on next date on behalf of respondent Nos. 3 to 5.

3. At the request of learned Presenting Officer for the respondent Nos. 1 & 2 and learned Advocate for respondent Nos. 3 to 5, time is granted for filing affidavit in reply.

4. S.O. to 01.10.2021.

**MEMBER (A)**

**MEMBER (J)**



**M.A. No. 333/2020 in O.A. No. 797/2016**  
**(Gaurav A. Chavan Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

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

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

3. S.O. to 01.10.2021.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 872 OF 2018**  
**(Arun M. Gir Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

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

2. At the request of learned Advocate for the applicant, S.O. to 20.09.2021 for addressing on the point of territorial jurisdiction.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 277/2021 in O.A. St. No. 1164/2021**  
**(Varsha V. Kulkarni & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri S.S. Jadhavar, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits that the certain corrections are required to be carried out in the Original Application. Therefore, he seeks leave of this Tribunal to amend the O.A. suitably.

3. Leave is granted as prayed for by the applicants. The applicants shall carry out the necessary amendment in the O.A. on or before the next date of hearing.

4. S.O. to 02.09.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 175/2020 in O.A. St. No. 462/2020  
(Umesh B. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

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

2. Record shows that affidavit in reply on behalf of respondent Nos. 1 & 2 is already filed on record.

3. At the request and by consent of both the sides, S.O. to 21.09.2021 for hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 130 OF 2019**  
**(Kamalakar K. Phad Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

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

2. At the request and by consent of both the sides, S.O. to 08.09.2021.

**MEMBER (A)**

**MEMBER (J)**

**M.A. No. 212/2021 in O.A. No. 694/2018 with M.A. No. 262/2021 with M.A. No. 238/2021  
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri Avinash Deshmukh, learned Advocate for the applicant in O.A., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents Shri Ajay Deshopande, learned Advocate for the applicant in M.A. No. 262/2021 (intervener), and Shri C.V. Bhadane, learned Advocate holding for Shri M.S. Sonawane, learned Advocate for the applicant in M.A. 238/2021 (intervener).

2. Learned Chief Presenting Officer filed affidavit in reply on behalf of respondent No. 1 in M.A. No. 212/2021. Same is taken on record and copy thereof has been served on the other sides.

3. Learned C.P.O. submits that the Government has cancelled the provisional seniority list dated 23.07.2021 (Annexure A-3 of M.A. No. 212/2021). He seeks for vacating ad-interim relief granted by the order dated 09.08.2021.

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M.A. 212/2021 in  
O.A. 694/2018

4. Learned Advocate for the applicant submits that he has received affidavit in reply of respondent No. 1 just now and he would like to deal with the same and seeks short time and opposes the prayer for vacating ad-interim relief.

5. In view of above, time is granted to the applicant for filing rejoinder affidavit, if any.

6. S.O. to 01.09.2021. Interim relief granted earlier to continue till next date.

**MEMBER (A)**

**MEMBER (J)**

KPB ORAL ORDERS 30.08.2021

**M.A.NO.219 OF 2021 IN O.A.NO.162 OF 2019  
WITH  
M.A.NO.220 OF 2021 IN O.A.NO.163 OF 2019  
WITH  
M.A.NO.221 OF 2021 IN O.A.NO.164 OF 2019  
WITH  
M.A.NO.222 OF 2021 IN O.A.NO.173 OF 2019  
WITH  
M.A.NO.223 OF 2021 IN O.A.NO.174 OF 2019  
WITH  
M.A.NO.224 OF 2021 IN O.A.NO.175 OF 2019  
WITH  
M.A.NO.225 OF 2021 IN O.A.NO.176 OF 2019  
WITH  
M.A.NO.226 OF 2021 IN O.A.NO.221 OF 2019  
(Mahadev P. Pawar & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the Applicants in all these matters and Shri M.P. Gude, learned Presenting Officer for the Respondents in all these matters.

2. At the request of the learned P.O., time is granted for filing affidavit-in-reply.
3. S.O. to 27.09.2021.

**MEMBER (A)**

**MEMBER (J)**



**ORIGINAL APPLICATION NO.181 OF 2020**  
**(Rajesh H.Gaikwad Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri A.S. Deshmukh, learned Advocate for the Applicant, Shri V.R. Bhumkar, learned Presenting Officer for the Respondent Nos.1 & 2 and Shri A.P. Basarkar, learned Advocate for the Respondent Nos.3 to 5.

2. The Original Application is filed challenging the selection orders of the Respondent Nos.3 to 5 to the post of Talathis from the S.E.B.C (General) category and seeking recasting of the final selection list including the name of the Applicant under the category of S.E.B.C (General) category and to issue appointment order to the Applicant.

2. Affidavit-in-reply on behalf of Respondent Nos.1 & 2 was filed separately. The Respondent Nos.3 to 5 also have filed affidavit-in-reply jointly.

3. During pendency of the Original Application, learned P.O. has placed on record the copy of communication dated 23.06.2021 ('X' for identification) on 07.07.2021. It is issued by the Respondent No.2 i.e. Collector, Nanded. In the said letter there is reference to the order of Hon'ble Apex Court whereby the reservation of S.E.B.C category

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**O.A.181/2020**

was declared null and void. The suitable candidates of the said category are to be considered under E.W.S. quota. In that respect, the General Administration Department (G.A.D.), Government of Maharashtra has issued G.R. dated 31.05.2021. Pursuant to that, revised selection lists are prepared. In that regard, learned P.O. has placed on record the copy of communication dated 1.07.2021 and 27.8.2021 issued by the Respondent No.2 i.e. Collector, Nanded along with annexure. They are marked as 'X-1' and 'X-2' collectively.

4. In view of these documents/selection lists, the Applicant has been selected in the category of E.W.S (Ex-Serviceman) and the Applicant is joined the post of Talathi as per joining report dated 30.08.2021.

5. However, no appointment orders could be issued to Respondent Nos.3 to 5 in view of stay order passed by this Tribunal in the present O.A.No.181/2020 on 16.06.2020. From above, it is evident that the grievances of the Applicant are redressed fully. Hence, the interim relief order dated 16.06.2020 passed by this Tribunal is vacated.

6. Consequently, the Original Application is also disposed of as grievances of the Applicant are redressed fully with no order as to costs.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.488 OF 2013  
(Dr. Anil R. Joshi Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

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

2. The present matter is reserved for order.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.813 OF 2018**  
**(Robinson R. Masih Vs. State of Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri S.R. Zambare, learned Advocate holding for Shri N.B. Narwade, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. The present matter is already part heard.

3. By consent of both the parties, S.O. to 16.09.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**ORIGINAL APPLICATION NO.702 OF 2019**  
**(Ismail @ Raju Moinoddin Tamboli Vs. State of Maharashtra**  
**& Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri F.K. Patel, learned Advocate for the Applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. Due to paucity of time, S.O. to 20.09.2021 for final hearing.

**MEMBER (A)**

**MEMBER (J)**

**REV. ST. 1217/2019 IN O.A. 63/2015**  
(The Superintending Engineer & Administrator, C.A.D.A.,  
Aurangabad Vs. State of Maharashtra & Ors.)

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri S.B. Mene, learned Advocate for the applicant in Review Petition / respondent no. 4 in O.A., Shri N.U. Yadav, learned Presenting Officer for the respondent nos. 2 to 6 in Review Petition and Shri S.D. Joshi, learned Advocate for respondent no. 1 in Review Petition / applicant in O.A..

2. Shri Joshi, learned Advocate seeks time for filing affidavit in reply of respondent no. 1 in Review Petition. Time granted.

3. S.O. to 20.9.2021.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 210/2021**  
**(Lala M. Jadhavar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri S.T. Chalikwar, learned Advocate for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for respondent nos. 1 & 6 and Shri A.D. Gadekar, learned Advocate for respondent nos. 2 to 5.

2. Shri Gadekar, learned Advocate has filed affidavit in reply of respondent nos. 2 to 5. It is taken on record and copy thereof has been supplied to other side.

3. Learned P.O. seeks time for filing affidavit in reply of res. nos. 1 & 6. Time granted.

4. S.O. to 24.9.2021.

**MEMBER (J)**

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

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

**DATE : 30.08.2021**

**ORAL ORDER :**

Heard Shri A.A. Khande, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that the address of respondent no. 1 – the Secretary, Health Department, Mumbai – is changed and therefore the notice could not be served on the said respondent. He seeks leave of the Tribunal to correct the address of respondent no. 1 in the O.A. and also prays for issuance of fresh notice to the said respondent. Leave as prayed for is granted.

3. In the circumstances, issue fresh notice to the respondent no. 1 on the corrected address, returnable on 30.9.2021.

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

8. S.O. to 30.9.2021.

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

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 955/2018**  
**(Madhukar K. Sapdhare Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

Heard Shri Sushil D. Patil, learned Advocate holding for Shri D.R. Irale Patil, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for respondent nos. 1 to 3 and Shri S.B. Bhosale, learned Advocate for respondent nos. 4 & 5.

2. With the consent of both the sides, S.O. to 16.9.2021 for final hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 47/2021**  
**(Bhanudas F. Gavit Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE : 30.08.2021**  
**ORAL ORDER :**

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

2. With the consent of both the sides, S.O. to 1.9.2021 for making statement regarding the present status of the departmental enquiry pending against the applicant.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 229 OF 2020  
(Dr. Manik P.Sangale Vs. the State of Maha. & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER**

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

2. At the request of learned Presenting Officer, S.O. to 15.9.2021 for filing sur-rejoinder. The learned Presenting Officer is directed to supply the copy of sur-rejoinder to the learned Advocate for the applicant in advance.

**MEMBER (A)**

ORAL ORDERS 30.08.2021-HDD

**ORIGINAL APPLICATION NO. 629 OF 2019  
(Masarat Begum Vs. the State of Maha. & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER**

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

2. On instructions, learned Advocate for the applicant submits that there is no necessity to file rejoinder affidavit in the present O.A.
3. In view of the above, S.O. to 15.9.2021 for final hearing.

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 721 OF 2018  
(Bhagwan L. Sangle Vs. the State of Maha. & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER**

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent Nos. 1 & 4 and Shri Sandip G. Kulkarni, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for respondent Nos. 2 & 3.

2. Ambiguity of the contents of paragraph No. 3 of the O.A. (page No. 3 of paper book) brought to the notice of learned Advocate for the applicant, upon which he submits that he will file short affidavit explaining the paragraph No. 3 of O.A. and seeks time. The learned Advocate for the applicant shall serve the copy of short affidavit on the respondents.

3. In view of the above, S.O. to 22.9.2021.

**MEMBER (A)**

**O.A.NOS. 192, 193 & 194 ALL OF 2019**  
**(Kashinath T. Soundalkar & Ors. Vs. the State of Maha.**  
**& Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER**

Heard Shri V.B. Wagh, learned Advocate for the applicants in all these cases and Shri Santosh B. Mene, learned Advocate for the respondent Nos. 1 & 2.

2. S/Shri N.U. Yadav, D.R. Patil & Smt. Sanjivani Deshmukh-Ghate appeared and pointed out that the State of Maharashtra, who is competent authority, should be necessary party.

3. Learned Advocate for the applicant has submitted that he has no objection to add Principal Secretary, Water Resources Department and other competent authority from State Government of Maharashtra as party respondents in the present cases. He apprehends that after adding Principal Secretary, Water Resources Department and other competent authority from State Government of Maharashtra as party respondents the present cases will be prolonged for filing affidavit in reply.

**:: - 2- :: O.A.NOS. 192, 193 & 194  
ALL OF 2019**

4. Learned Advocate for the respondent Nos. 1 & 2 has already argued on earlier occasion that the State Government of Maharashtra should be necessary party.

5. Learned Presenting Officers have given assurance that within four weeks they will file affidavit in reply or they will mention as to whether it is necessary or not.

6. In view of the above, learned Advocate for the applicant is directed to amend the present Original Applications by including Principal Secretary, Water Resources Department and other competent authority from State Government of Maharashtra as party respondents within a period of 7 days.

7. After amendment issue notice to the newly added respondent, returnable on 27.9.2021.

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

9. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly



**:: - 3- :: O.A.NOS. 192, 193 & 194  
ALL OF 2019**

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.

10. 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.

11. 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.

12. S.O. to 27.9.2021.

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

**MEMBER (A)**

**ORIGINAL APPLICATION NO. 687 OF 2019**  
**(Pushpa Chandrakant Dhangar Vs. the State of**  
**Maharashtra & Ors.)**

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

**DATE : 30.08.2021**

**ORAL ORDER**

Heard Shri Sunil B. Jadhav, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent No. 1 and Shri P.H. Patil, learned Advocate for respondent No. 2.

2. Attention of learned Presenting Officer has been drawn to the judgment passed by this Bench in O.A. No. 876/2018 on 22.7.2019 and he has agreed that during hearing of the said O.A. the issue of jurisdiction of the Tribunal was not raised. His attention also been drawn to Notification issued by the office of the Secretary to the Governor of Maharashtra dated 9.6.2014, which categorically stated that, "the following notification shall come into effect from the date of its publication in the Official Gazette." Upon this the learned Presenting Officer accepted that issue of jurisdiction was not raised in the earlier matter decided by the Tribunal and the said notification had not been issued to have retrospective effect.

3. Learned Advocate for respondent No. 2 has submitted that respondent No. 2 has not taken over from the applicant but somebody else and explanation issued by the General Administration Department dated 19.4.2018 to the Divisional Commissioner, Nagpur Division, Nagpur, a copy of which is placed on record at Annexure 'F', page-20, is development subsequent to termination of services of the applicant as Police Patil. He has mentioned that respondent No. 2 has submitted in his affidavit in reply that he has resigned from the post of Office Superintendent after appointment as Police Patil at village Borajanti, Tq. Chopada, Dist. Jalgaon.

4. Attention of Learned Advocate for the respondent No. 2 and the learned Presenting Officer was drawn towards the appointment order issued to the applicant dated 05.11.2011 and it was accepted by them that periodic renewal of appointment of the applicant as Police Patil was not required. In addition it was also admitted by the respondents that the applicant had not breached any of the conditions of her appointment as Police Patil as stipulated in her appointment order.

5. After hearing both the parties, I am of the opinion that the present O.A. deserves to be allowed. Hence, I pass the following order: -

**ORDER**

The present Original Application stands allowed.

(ii) The impugned order / communication dated 6.4.2017 issued by the Tahsildar, Chopada, Dist. Jalgaon, declining extension to the applicant on the post of Police Patil of village Borajanti, Tq. Chopada, Dist. Jalgaon is hereby quashed and set aside.

(iii) The respondents are directed to issue appropriate order reinstating the applicant in service immediately till completion of his tenure as per appointment order dated 05.11.2011 issued by the Sub Divisional Magistrate, Amalner Sub-Division, Amalner.

(iv) The O.A. No. 687/2019 stands disposed of.

**:: - 4 - :: O.A. NO. 687 OF 2019**

(v) There shall be no order as to costs.

ORAL ORDERS 30.08.2021-HDD

**MEMBER (A)**

**Date :30.08.2021**

**M.A.NO.282/2021 IN O.A.ST.NO.1101/2021**

**(Shri Shivram Narayan Dhapate V/s The State of Maharashtra & Ors.)**

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

1. Shri P.B. Jadhav with Shri P.M. Shind, ld. Advocates for the applicant and Smt. Deepali S. Deshpande, ld. P.O. for the respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A.No.282/2021, returnable on 27.09.2021. The case be listed for admission hearing on 27.09.2021.
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**