

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Single Bench
Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

Date: -30/03/2023

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Regular Admission Matters						
1	OA170/23	A'bad	Adv.Rushikesh Joshi (Balkrushna M Joshi)	Time Bound Promotion/ ACPS		19.6.2023
Due Admission Matters						
5	OA269/21	A'bad	Adv.K.B. Jadhav (Kishor G Narwade)	Compassioante Appointment Lad Page Samiti	Reply Filed by R-1 & R-3	21.6.2023
6	OA387/21	P'bhani	Adv.A.V. Thombre (Shankar B Ghogare)	Direction/ Compassionate Appointment	Reply Filed by R-1 to R-3	19.6.2023
7	OA568/21	A'nagar	Adv.Avinash S Khedkar (Bhauasaheb S Pansare) <u>Adv.S.B. Patil for R.Nos. 3 to 5</u>	Benefit of ACPS/ Recovery	Reply Filed by R-1, R-3 to R-5	7.6.2023
8	OA782/21	A'bad	Adv.G.K.Kshirsagar/ Adv.G.J. Pahilwan (Dhrupatrao P Jadhav)	Withdrawal Benefit of ACPS	Reply Filed by R-1 to R-4	3.5.2023
9	OA449/22	A'bad	Adv.Talekar & Associates (Sachin R Gupta)	Suspension	Reply Filed by R-1 & R-2	13.6.2023
Order Matter						
12	MA71/20 In OASt2465/19	A'nagar	Adv.D.R. Jayabhar (Sujata R Puri)	M.A. For Condonation of delay	For Hearing Reply Filed by R-1 to R-3	12.6.2023
13	MA250/21 In OASt999/21	A'nagar	Adv.J.B. Choudhary (Prmod P Narkhede)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-4	13.6.2023
14	MA251/21 In OASt1001/21	Dhule	Adv.J.B. Choudhary (Manohar J Patil)	M.A. For Condonation of Delay	Reply Filed by R-1 to R-4	13.6.2023
15	MA156/22 In OASt621/21	P'bhani	Adv.M.L. Muthal (Bhimrao S Bilappatte)	M.A. For Condonation of Delay	For Hearing	12.6.2023

17	MA114/23 In OA1099/22	N'pur	Adv.P.R. Wankhade (Dr. Sapna H Tallarwar)	M.A. For Stay		19.4.2023
18	MA115/23 In OA1100/22	N'pur	Adv.P.R. Wankhade (Dr. Namita B Korwate)	M.A. For Stay		19.4.2023
19	MA138/23 In OA1157/22	A'bad	Adv.R.A. Joshi (Smita M Chavan)	M.A. For Direction		14.6.2023
Final Hearing Matters						
20	OA49/18	N'bar	Adv.Harshal P Randhir (Ravindra V Sapkale)	Refund of Recovered Amount	Reply Filed by R-1 to R- 4	21.6.2023
21	OA398/18	A'nagar	Adv.Vivek G Pingle (Dnyaneshwar K Sanap)	Benefit of G.R.	Reply Filed by R-1 to R- 3	26.6.2023
22	OA37/19	A'bad	Adv.Avinash S Deshmukh (Chandrasen K Bahure)	Direction/ Pension	Reply Filed by R-1 to R-4	12.4.2023
23	OA557/19	Nanded	Adv.Shamsunder B Patil (Venkat V Namule & Ors.)	Wages/ Arrears	Reply Filed by R-2 to R- 4	6.4.2023
24	OA945/19	Jalna	Adv.C.V. Dharurkar (Dr. Prashant D Warkari)	Salary	Reply Filed by R-1 to R- 4	25.4.2023
25	OA497/20	Nanded	Adv.V.B. Wagh (Bhujang V Godbole)	Leave/ Recovery	Reply Filed by R-1 & R- 2	4.5.2023
26	OA522/20	A'bad	Adv.J.B. Choudhary (Prakash D Bharambe)	Deemed Date of Promotion	Reply Filed by R-1 to R- 3	8.6.2023
27	OA525/20	A'bad	Adv.S.D. Joshi Adv.S.D. Joshi has Filed Leave Note From 27.01.2023 to 31.01.2023 (Anita R Pagare)	Compassionate Appointment (Lad Page Samiti)	For Filing Affidavit in reply to the amendment O.A. Reply Filed by R-2 & R- 3	21.6.2023

28	OA575/20	Latur	Adv.K.M. Nagarkar (Kondabai R Ghadge & Ors.)	Regularisation of Service/ Continuation	Reply Filed by R-1 to R- 4	26.4.2023
29	OA20/21	Nanded	Adv.Preeti R Wankhade (Ramraje S Chandane)	Suspension	Reply Filed by R-1 to R- 3	26.4.2023
30	OA66/21	Dhule	Adv.S.R. Patil (Gajendra T Patil)	Suspension	Reply Filed by R-1 to R- 4	21.6.2023
31	MA94/21 In OA1060/19	J'gaon	Adv.S.V. Suryawanshi In MA94/21 (Devidas D Patil) <u>Adv.D.B. Thoke in</u> <u>OA1060/19</u> (Bhagwan N Patil) <u>Adv.S.V. Suryawanshi</u> <u>for R.No.8 in OA1060/19</u>	M.A. For I.R.	Reply Filed by R-5 & R-7	13.6.2023
32	OA109/21	Nanded	Adv.K.B. Jahdav (Ashok D Shiradkar & Ors.)	Retirement Benefits	Reply Filed by R-3 & R- 4	3.5.2023
33	OA137/21	Latur	Adv.A.S. Deshmukh (Premnath G Akangire)	Arrears of Provisional Pension/ Pension	Reply Filed by R-1 to R-4	12.4.2023
34	OA166/21	P'bhani	Adv.Sanjay A Wakure (Suryakant V Tatode)	Recovery/ Minor Punishment	Reply Filed by R-1 to R- 5	6.6.2023
35	OA355/21	Beed	Adv.K.B. Jadhav (Laxman H Talekar)	Recovery/ Refund of Recovered Amount	Reply Filed by R-1 to R- 4	2.5.2023
36	OA357/21	Beed	Adv.K.B. Jadhav (Mirza Jamil Baig Mirza Hayat Baig)	Recovery/ Refund of Recovered Amount	Reply Filed by R-1 to R- 3	2.5.2023
37	OA373/21	O'bad	Adv.S.S. Jadhavar (Ramesh N Wagh) <u>Adv.M.S. Mahajan for</u> <u>R.Nos. 2 & 3</u>	Continuity in Service	Reply filed by R-1 to R- 3	13.6.2023
38	OA383/21	A'bad	Adv.A.M. Hajare (Siddharth Y Bhalerao)	Direction/ Pensionary Benefits & Gratuity	Reply Filed by R-1 to R- 5	4.5.2023

39	OA515/21	P'bhani	Adv.V.G. Pingle (Mansab Gaus Khan) <u>Adv.S.B. Mene for</u> <u>R.Nos.2 & 3</u>	Correction in Date of Birth		26.6.2023
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Date: -30/03/2023

S.B. For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject		Next date
Due Admission Matters						
2	OA76/20	Latur	Adv Rajeev B Deshmukh (Shantabai G Kulkarni) <u>Adv U B Bondar For R-2 & R-4</u>	Family Pension & Other Benefits	For Filing Affidavit in Rejoinder	2.5.2023
3	OA370/21	A'bad	Adv J S Deshmukh (Jyoti K Mote)	Maternity Leave	For Filing Affidavit in Reply	2.5.2023
4	OA422/21	A'bad	Adv Vijay V Deshmukh (Satish A Trimukhe)	Deemed Date	One More Last Chance For Filing Affidavit in Reply	2.5.2023
5	OA637/21	A'bad	Adv J B Choudhary (Ravindra G Kulkarni)	Third Time Bound Promotion	For Filing Affidavit in Rejoinder	26.6.2023
6	OA687/21	Jalna	Adv I D Maniyar (Vipul R Bhagwat)	Pay Protection	For Filing Affidavit in Rejoinder & For Filing Affidavit in Reply of other Respondents Ref Order Dtd 21.10.2022	2.5.2023
7	OA102/22	Nanded	Adv D G Kamble (Sumitrabai V Adke &Ors.)	Arrears of Wages/ Allowances	Reply Filed By R-1, R-2 & R- Ref Order Dtd 19.12.2023	2.5.2023

8	OA238/22	A'bad	Adv S D Joshi has Filed Leave Note From 27.03.2023 to 31.03.2023 (Rajabai R Kawadikar)	Counting of Service for Pensionary Benefits	For Filing Affidavit in Reply	8.6.2023
9	OA239/22	Nanded	Adv S D Joshi has Filed Leave Note From 27.03.2023 to 31.03.2023 (Surajkumar N Vanje)	Directions/ Compassionate Appointment	For Filing Affidavit in Reply	8.6.2023
10	OA469/22	A'nagar	Adv A S Deshmukh (Arun S Joshi)	Directions/ Pension & Monetary Benefits	For Filing Affidavit in Reply	9.6.2023
11	OA471/22	Dhule	Adv Vivek G Pingle (Jayant S Bhamre)	Benefit of G.R.	For Filing Affidavit in Reply	26.4.2023
12	OA572/22	A'bad	Adv Party In Person (Naseeb Khan Maheboob Khan Singal)	Joining/ Charge	For Filing Affidavit in Reply	9.6.2023
13	OA1052/22	A'bad	Adv V G Pingle (Nuzhat Jaan Jamal Khan)	Family Pension	For Filing Affidavit in Reply	26.4.2023
14	OA1058/22	A'nagar	Adv A D Sugdare (Balasaheb N Sonwane)	Revised pay Fixation Recovery/ Refund of Recovered Amount	For Filing Affidavit in Reply	8.6.2023
15	OA1066/22	Hingoli	Adv P S Dighe (Govind B Rathod)	Recovery	Await Service	3.5.2023
16	OA1142/22	A'nagar	Adv V B Wagh (Maya B Chabukswar Late Dr. Babu R Chabukswar)	Directions/ Pension	For Reply	27.4.2023

17	OA1156/22	Nanded	Adv D T Devane (Shrikant S Deshmukh)	Deemed Date of Promotion	For Reply	26.4.2023
18	OA39/23	A'bad	Adv U S Jadhav (Raju R Patil)	Leave Encashment	For Reply	3.5.2023
19	OA57/23	A'nagar	Adv A S Deshpande (Shaikh Mhd. Aslam Rahimshamiya)	Pension & Pensionary Benefits	Await Service	14.6.2023
20	OA71/23	A'bad	Adv Amol R Gaikwad (Dattatrya D Sonune)	Minor Punishment	For Reply	3.5.2023
21	OA75/23	Beed	Adv A S Deshmukh (Umesh M Dhakane) <u>Adv S S Thombre For R-5</u>	Transfer/ Posting	Last Chance For Filing Affidavit in Reply	6.4.2023
22	OA76/23	Hingoli	Adv V G Pingle (Pankaj D Soundankar)	Compassionate Appointment	For Reply	26.6.2023
Order Matters						
23	MA209/22 In OAS108/21	Beed	Adv M R Kulkarni/ Adv Mujahed Hussain (Ashok R Jujgar)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	4.5.2023
24	MA284/22 In MASt635/22 In OAS1536/22	A'bad	Adv Aniket V Patil (Anna B Holkar & Ors.)	M.A. For Condonation of Delay	For Filing Affidavit in Rejoinder	15.6.2023
25	MA382/22 In OAS1465/22	Nanded	Adv K B Jadhav (Madhukar S Mundeshwar)	M.A. For Condonation of Delay	For Filing Affidavit in Reply	21.6.2023

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Divison Bench

Before: - **THE HON'BLE SHRI. V.D. DONGRE, MEMBER (J)**

And

THE HON'BLE SHRI. BIJAY KUMAR, MEMBER (A)

Date: -30/03/2023

Sr No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
14	CP03/22 In OA80/21	Nanded	Adv.Shamsunder B Patil (Bhimrao N Kokate)	Contempt Petition	For Hearing Reply filed by R-2	20.6.2023
15	CP21/22 In OA51/18	Jalna	Adv.Jayant S Deshmukh (David S Ganthur & Ors.)	Contempt Petition	For Hearing Reply Filed by R-1 & R-2	20.4.2023
16	OA797/16	A'nagar	Adv.C.V. Thombre (Gaurav A Chavan)	Appointment	For Hearing Reply Filed by R-2 & R-5	
17	OA758/17	A'bad	Adv.V.B. Wagh (Dadarao D Borade)	Minor Punishment	For Hearing Reply Filed by R-1 & R-2	19.6.2023
18	OA517/19	A'bad	Adv.Swapnil A Deshmukh (Rajendra P Kamble & Ors.)	Advertisement	For Hearing Short Affidavit of Reply Filed by R-1 to R-3	8.6.2023
19	OA790/19	Jalna	Adv.V.G. Mete (Gajanan K Kakade)	Appointment	For Admission Reply Filed by R-1 to R-3	2.5.2023
20	OA81/20	O'bad	Adv.S.B. Solanke (Sudarshan N Shinde)	Seniority/ Promotion	For Hearing Reply Filed by R-1 to R-4	2.5.2023
21	OA412/21	Dhule	Adv. Vishwas B Wagh (Chetan K Thakare)	Promotion	For Hearing Reply Filed by R-1 to R-2	3.5.2023

22	OA635/21	A'bad	Adv.A.B. Rajkar (Badrinath B Nimbalkar)	Compulsory retirement	For Hearing Reply Filed by R-1 to R-4	20.4.2023
23	OA658/21 with	Beed	Adv.M.S Karad (Sayyed Taufik Harun)	Appointment	For Hearing Reply Filed by R-1 to R-7	21.6.2023
24	OA659/21 with	Beed	Adv.M.S.Karad (Sushilkumar B Rakh)	Appointment	For Hearing Reply Filed by R-1 to R-7	27.4.2023
25	OA660/21 with	Beed	Adv.M.S. Karad (Vaibhav S Gaikwad)	Appointment	For Hearing Reply Filed by R-1 to R-7	
26	OA661/21 with	Beed	Adv.M.S. Karad (Ganesh R Sanap)	Appointment	For Hearing Reply Filed by R-1 to R-7	
27	OA182/22 with	Beed	Adv.M.S. Karad (Laxman M Misal & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
28	OA183/22 with	Beed	Adv.M.S. Karad (Ashok M Jaybhaye & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
29	OA184/22 with	Beed	Adv.M.S. Karad (Nagesh N Kharat & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
30	OA185/22 with	Beed	Adv.M.S. Karad (Ramdas B Sanap & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
31	OA186/22 with	Beed	Adv.M.S. Karad (Ganesh V Darade & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
32	OA187/22	Beed	Adv.M.S. Karad (Sujoyot S Bhandari & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
33	OA391/22 with	Beed	Adv.M.S. Karad (Akash G Garje)	Appointment	For Hearing Reply Filed by R-1 to R-7	

34	OA428/22 with	Beed	Adv.M.S. Karad (Ravi N Khade & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
35	OA429/22	Beed	Adv.M.S. Karad (Ramesh S Ghubade & Ors.)	Appointment	For Hearing Reply Filed by R-1 to R-7	
36	OA586/22	N'bar	Adv.A.S. Shelke (Suvarna P Pawar)	Promotion	For Hearing Reply Filed by R-1 & R-2	24.4.2023
Final Hearing Matters						
37	OA513/17	Latur	Adv.A.D. Gadekar (Dinkar R Bhosrekar)	Punishment/ Recovery/ D.E.	Reply Filed by R-1 to R-4	27.4.2023
38	OA633/17	O'bad	Adv.Amol S Gandhi (Dr.Shivshankar C Harlayya)	Directions/ NPA as per 6 th Pay Commission	Reply filed by R-1 to R-4 For Filing Affidavit in Rejoinder	24.4.2023
39	OA899/17	O'bad	Adv.G.C. Khond/ Adv.G.N. Khanzode (Dr.Vandana S Shinde) <u>Adv.Gunratn Sadavarte/ Adv.Jayshri Patil/ Adv.Ramdas Gaikwad for R.No.4</u>	Seniority	Reply Filed by R-1 to R-3	3.5.2023
40	OA242/18	A'bad	Adv.U.T. Pathan (Sayeeda Begum Syed Mohammed Ali)	Dismissal	Reply Filed by R-2 to R-4	5.6.2023
41	OA423/18	Dhule	Adv.Suresh S Pidgewar/ Adv.N.L. Choudhari (Rameshwar S. Gopal) <u>Adv. N.R. Suryawanshi for R.No.4</u>	Selection/ Appointment	Reply Filed by R-1 to R-3	20.4.2023
42	OA657/18	A'bad	Adv.Milind K Deshpande (Ayesha F Khan)	Compulsory Retirement	Reply Filed by R-1 to R-3	22.6.2023

43	OA79/19	Dhule	Adv.V.B. Wagh (Prakash F Patil)	Promotion	Reply Filed by R-1	20.4.2023
44	OA55/20	J'gaon	Adv.A.S. Bayas (Bhagwan D Sonwane)	Condonation of Technical Breaks in Service/ Benefits of ACPS	Reply Filed by R-1 to R-4	4.5.2023
45	OA22/21	Nanded	Adv.Avinash S Deshmukh (Muktyarsing R Theng)	Departmental Enquiry	Reply Filed by R-1 & R-2	27.4.2023

Date: -30/03/2023

D.B. for reply board

Sr. No	Case No.	Distric t	Advocate's & Applicant's Name	Subject	Remarks	Next date
Due Admission Matters						
1	CP38/22 In OA573/20	Latur	Adv.K.M. Nagarkar (Prakash B Ghadgine) <u>Adv.Amit Dhongde For R.No.2</u> Adv.Amit Dhongde has Filed Leave Note On 30.03.2023	Contempt Petition	For Filing Affidavit in Rejoinder	12.6.2023
2	CP04/23 In OA304/18	Hingoli	Adv.J.S. Deshmukh (Sudhakar Mangalkar & 2 Others)	Contempt Petition	For Filing Affidavit in Reply	20.4.2023
3	OA24/21	Beed	Adv.S.B. Patil (Dr.Vaishali S Garjewar)	Challengin Conditions of G.R.	For Filing Affidavit in Rejoinder	17.4.2023
4	OA419/21	Jalna	Adv.Amol B Chalak (Deepak P Dungahu)	Termination	For Filing Affidavit in Rejoinder	16.6.2023
5	TA13/22 WP8626/22	Dhule	Adv.Vaishali Suryawanshi Birajdar (Sudam S Mahajan) <u>Adv.A.S. Deshmukh for R.No.6</u>	Departmental Enquiry	For Filing Affidavit in Reply	25.4.2023
6	OA237/22	Jalna	Adv.S.S. Jadhavar (Vinayak U Banchod)	Seniroyty List/ Promotion	For Reply	26.4.2023

7	OA301/22	A'bad	Adv.V.B. Wagh (Dattaram U Rathod)	Preliminary Departmental Enquiry	As a Last Chance For Filing Affidavit in Rejoinder	25.4.2023
8	OA602/22	Beed	Adv.Hemant Surve (Balasaheb A Shinde)	Eligibility	As One More Last Chance For Filing Affidavit in Reply	24.4.2023
9	OA986/22	Beed	Adv.M.S. Karad (Avinash A Rakh)	Selection/ Appointment	Await Service	27.4.2023
10	OA998/22	Beed	Adv.M.S. Karad (Hanuman A Baglane & Ors.)	Selection/ Appointment	Await Service	27.4.2023
11	OA1101/22	Beed	Adv.M.S. Karad (Dipak S Sanap & Ors.)	Appointment	Await Service	27.4.2023
12	OA1130/22	Nanded	Adv.V.P. Kadam (Shivaji V Kale & Ors.)	Challenging Govt. Notification	For Filing Affidavit in Reply	25.4.2023
13	OA11/23	P'bhani	Adv.V.G. Pingle (Gangadhar K Yelhare) <u>Adv.R.K. Ashtekar/Adv.D.N. Gilche for R.Nos.6 to 8 Adv.A.N. Nagargoje for R.No.5</u>	Final Seniority List/ Promotion	For Filing Affidavit in Reply	25.4.2023
14	OA48/23	Latur	Adv.Jiwan J Patil (Shankar H Jadhav)	Seniority List	For Reply	8.6.2023
15	OA51/23	Dhule	Adv.A.G. Ambetkar (Dr. Ravindra R Mistry)	Benefits of Old Pension Scheme	For Filing Affidavit in Reply	22.6.2023
16	OA52/23	Dhule	Adv.A.G. Ambetkar (Dr. Shakuntala L Shelke)	Benefits of Old Pension Scheme	For Filing Affidavit in Reply	22.6.2023
17	OA62/23	Dhule	Adv.A.G. Ambetkar (Dr. Bhushan B Rao)	Benefits of Old Pension Scheme	For Filing Affidavit in Reply	22.6.2023

18	OA96/23	A'bad	Adv.K.B. Jadhav (Nanasaheb B Patait & Ors.)	Correction in Date of Joining/ Seniority	For Reply	25.4.2023
Order Matters						
19	MA205/21 In OASSt2467/19	A'bad	Adv.M.M. Bhokarikar (Vijaykumar B Rathii)	M.A. For Delay Condonation	For Filing Affidavit in Reply	3.5.2023
20	MA496/22 In OASSt1939/22	A'bad	Adv.Talekar & Associates (Manjusha R Jadhav & Ors.) <u>Adv.S.K. Patil for R.No.4</u> <u>Adv.Anant</u> <u>Devakate/Adv.K.B.</u> <u>Jadhav For R.Nos.6 & 7</u>	M.A. For Condonation of Delay	For Filing Affidavit in Reply For R-2 & R-3	3.5.2023

ORIGINAL APPLICATION NO. 586 OF 2022
(Suvarna P. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri Avishkar Shelke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.04.2023 for hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

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

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri N.L. Choudhary, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities. Shri N.R. Suryawanshi, learned Advocate for respondent No. 4, **absent.**

2. Hearing of the present O.A. is expedited.
3. S.O. to 20.04.2023 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 3138 OF 2012
(Maroti L. Gore Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 11.04.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 3139 OF 2012
(Maroti L. Gore Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 11.04.2023.

MEMBER (A)

MEMBER (J)

C.P. No. 14/2023 in O.A. No. 533/2022
(Diwakar M. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Smt. S.C. Thombre, learned Advocate holding for Shri C.V. Thombre, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. At the request of learned Advocate for the applicant, S.O. to 12.04.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.03.2023

ORIGINAL APPLICATION NO. 270 OF 2013
(Mohanrao K. Suryawanshi Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri Swaraj Tandale, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 16.06.2023.

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

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

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

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

7. S.O. to 16.06.2023.

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

MEMBER (A)

MEMBER (J)

M.A. No. 600/2019 in O.A. No. 992/2019
(Dasrao T. Deshpande Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri K.B. Jadhva, learned Advocate holding for Shri Anant Devkate, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicant placed on record communication dated 27.03.2023 signed by the applicant and seeks permission for withdrawal of the present M.A. and O.A. Copy of the said application is taken on record and marked as document 'X' for the purpose of identification.

3. I have no reason to refuse the permission, when the withdrawal is unconditional. Hence, permission for withdrawal of the present M.A. and O.A. is granted. The M.A. and O.A. stand disposed of as withdrawn with no order as to costs.

MEMBER (A)

MEMBER (J)

MA 31/20 with MA 15/20 in TA 10/18 (WP 1439/18)
(Nirmal T. Rakh and ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri S.S. Thombre, learned Advocate for the applicants (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. As none present for ht applicants, S.O. to 20.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.03.2023

M.A. No. 90/2020 in O.A. No. 1067/2019
(Prakash J. Pawara Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri Dhananjay Mane, learned Advocate for the applicant (**Absent**).

Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Record shows that nobody is appearing on behalf of the applicant since last 5 dates i.e. on 10.11.2022, 12.12.2022, 13.01.2023, 06.02.2023 & 27.02.2023. In view of the same, it appears that the applicant is not interested in prosecuting the matter. Hence, the M.A. No. 90/2022 stands dismissed in default.

MEMBER (A)

MEMBER (J)

T.A. No. 13/2022 (W.P. No. 8626/2022)
(Sudam S. Mahajan Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Smt. Vaishali Suryawanshi, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for respondent No. 6.

2. Record shows that the service affidavit is not filed on record by the learned Advocate for the applicant.

3. At the request made on behalf of respondents, last chance is granted for filing affidavit in reply.

4. S.O. to 25.04.2023.

MEMBER (A)

MEMBER (J)

M.A. No. 222/2019 in O.A. St. No. 851/2019
(Namdeo M. Bawiskar Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri B.G. Lathe, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

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

3. At the request of learned ADvocate for the applicant, S.O. to 25.04.2023. **High on Board.**

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.03.2023

**CP 1/22 with MA 337/21 in TA 2/21 (WP 2612/21)
(Samiksha Chandrakar & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 30.03.2023.

ORAL ORDER :

Shri Ajay Deshpande, learned Advocate for the applicants and Shri U.S. Patil, learned Advocate for the applicant in M.A. 337/2021, are **absent**.

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. As none present for the applicants, S.O. to 25.04.2023 for further consideration. **High on board**.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.03.2023

ORIGINAL APPLICATION NO. 1149 OF 2022
(Dileep M. Devkate Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri P.P. Dama, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Advocate for the applicant, S.O. to 06.04.2023. **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 48 OF 2023
(Shankar H. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri Jiwan Patil, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate Smt. Manjusha B. Ambekar, has filed **VAKALATNAMA** on behalf of respondent No. 4. Same is taken on record.

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

4. S.O. to 08.06.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2021
(Muktyarsing R. Theng Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash Deshmukh, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. S.O. to 27.04.2023 for final hearing. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

C.P. No. 4/2023 in O.A. No. 304/2018
(Sudhakar Mangalkar & 2 Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

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

3. S.O. to 20.04.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 24 OF 2021
(Dr. Vaishali S. Ganjewar Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri S.B. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 17.04.2023 as a last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 301 OF 2022
(Dattaram U. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.04.2023 as one more last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 602 OF 2022
(Balasaheb A. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri Saket Joshi, learned Advocate holding for Shri Hemant Surve, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondents. Hence, the present matter will proceed further without affidavit in reply of the respondents in accordance with law.

3. S.O. to 24.04.2023 for admission.

MEMBER (A)

MEMBER (J)

M.A. No. 496/2022 in O.A. St. No. 939/2022
(Manjusha R. Jadhav and Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri Ms. Anagha Pandti, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned Advocate for respondent Nos. 6 & 7, are present. Shri S.K. Patil, learned Advocate for respondent No. 4, is absent. None present on behalf of respondent No. 5, though duly served.

2. At the request of learned P.O., time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 2 and 3 in M.A.

2. S.O. to 03.05.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 759 OF 2021
(Ashwini A. Wavhal & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants placed on record a copy of G.R. dated 31.01.2023 and submitted that during pendency of the present Original Application, the applicant Nos. 1 to 22 have been appointed on supernumerary posts as per the G.R. dated 31.01.2023. Copy of the said G.R. is taken on record and marked as document 'X' for the purpose of identification. In view of that the grievance raised by those applicants stand redressed.

3. In view of above, the present matter stands disposed of so far as applicant Nos. 1 to 22 are concerned and the same will proceed only in respect of applicant No. 23 i.e. Shri Anand V. Bade, who is in waiting list.

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O.A. No. 759/2021

4. The applicant shall carry out the necessary amendment in the O.A. in respect of deletion of names of applicant Nos. 1 to 22 forthwith.
5. At the request of learned Advocate for the applicant, time is granted for filing short affidavit.
6. S.O. to 17.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.03.2023

ORIGINAL APPLICATION NO. 639 OF 2022
(Prashant S. Morale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Learned Advocate for the applicants placed on record a copy of G.R. dated 31.01.2023 and submitted that all the applicants were in the select list and during pendency of the present Original Application, the applicant Nos. 2 to 9 have got appointment on supernumerary posts by G.R. dated 31.01.2023. Copy of the said G.R. is taken on record and marked as document 'X' for the purpose of identification. In view of above, the present matter stands disposed of so far as applicant Nos. 2 to 9 are concerned and the same will proceed only in respect of applicant No. 1 i.e. Shri Prashant Subhash Morale, who is in select list.

3. The applicant shall carry out the necessary amendment in the O.A. in respect of deletion of names of applicant Nos. 2 to 9 forthwith.

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O.A. No. 639/2022

4. At the request of learned Advocate for the applicant, time is granted for filing short affidavit.
5. S.O. to 17.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 30.03.2023

ORIGINAL APPLICATION NO. 21 OF 2022
(Ravita B. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri A.B. Chalak, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 17.04.2023. **High on board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 797 OF 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 : 30.03.2023.

ORAL ORDER :

Heard Shri Gaurav Chavan, applicant in person and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. S.O. to 19.06.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 83 OF 2020
(Devendra I. Sonar Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Y.M. Patil, learned Advocate for respondent No. 3.

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

3. Learned Advocate for the respondent No. 3 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

4. The present matter has already been treated as part heard.

5. By consent of all the parties, S.O. to 10.04.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 419 OF 2021
(Deepak P. Dungahu Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023.

ORAL ORDER :

Shri A.B. Chalak, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.
3. S.O. to 16.06.2023 for admission.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 290 OF 2019
(Rajesh L. Tangade Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities. Shri A.D. Aghav, learned Advocate for the respondent No.2, **absent**.

2. S.O. to 12.06.2023.

MEMBER (J)

ORIGINAL APPLICATION NO. 183 OF 2023
(Sahebrao S. Wayal Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The Original Application is filed challenging the advertisement dated 13.01.2023 (Annexure 'A-7') issued by the respondent No.3 for selection to the post of Agriculture Supervisor (Group-C) through limited Departmental Competitive Examination without providing reservation to the Backward Class as per Section 3 (2) of Maharashtra State Public Services (Reservation for Scheduled Caste, Scheduled Tribes, Denotified Tribes (Vimkta Jatis), Nomadic Tribes, Special Back Category and Other Backward Classes), Act. 2001 (for short "Act, 2001") and also in violation of Article 16 (4) of the Constitution of India and thereby seeking following interim relief in terms of prayer clause 10 (A) and (B) as follows:-

- (A) Pending hearing and final disposal of the Original Application, the respondents and more particularly respondent No.3 may

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kindly be restrained from proceeding further in view of advertisement dated 13.01.2023 for selection of candidates for the post of Agriculture Supervisor (Group-C).

- (B) Pending hearing and final disposal of the Original Application, selection process initiated by respondent No.3 byway of advertisement dated 13.01.2023 for selection of candidates for the post Agriculture Supervisor (Group-C), may kindly be stayed.

3. The applicant was selected as Krushi Sevak on 13.01.2011. After completion of three years of services as Krushi Sevak, he was granted status of Agriculture Assistant on 13.01.2014, in regular pay scale of Agriculture Assistant. At present he is posted at Akole, District Ahmednagar on that post. The applicant belongs to Scheduled Tribes and he is eligible for that post.

4. The impugned advertisement dated 13.01.2023 (Annexure 'A-7') is issued for filling up 112 vacant posts of Agriculture Supervisor pursuant to Agriculture, Animal Husbandry, Dairy Development and Fisheries Department (Recruitment) Rules, 2018 and more particularly to fill up posts as provided under Rule 3(b) of the said Recruitment Rules, 2018 which is as follows:-

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“3 (b) by selection of a suitable person on the basis of merit list prepared on the basis of limited Departmental Competitive Examination from amongst the persons holding the post of Agriculture Assistant, Group ‘C’, having not less than five years regular service on that post.”

Moreover, reservation roster (Annexure ‘A-5’) was prepared and approved by the Competent Authority as of 31.10.2022 providing reservation for filling up 133 posts of Agriculture Supervisor.

5. In nutshell, it is the contention of the applicant that the advertisement for the post of Agriculture Supervisor is issued in total violation and ignoring the reservation roster (Annexure ‘A-5’), provisions of Reservation Act, 2001 and violating Article 16 (4) of Constitution of India.

6. Incidentally during hearing of this matter, learned Advocate for the applicant disclosed that the applicant has participated in the said selection process by making on-line application. However, inadvertently, the said fact is not disclosed in the Original Application. It is further submitted that this Original Application was filed on 24.02.2023. Initially notices were issued by order dated 09.03.2023 keeping open the point of interim relief.

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Meanwhile circular dated 28.03.2023 which is produced during hearing is issued by the respondent No.3 declaring limited Departmental Competitive Examination on 03.04.2023. The applicant has received hall-ticket for the said limited Departmental Competitive Examination.

7. Learned Advocate for the applicant submitted that notices were issued on 09.03.2023 making returnable on 24.03.2023 and thereafter, the matter was adjourned to 29.03.2023. However, the affidavit in reply was not filed on behalf of the respondents. Meanwhile, circular dated 28.03.2023 is issued which according to learned Advocate for the applicant is malafide. Learned Advocate for the applicant strenuously urged before me that by the impugned advertisement without providing the reservation, the statutory and constitutional right of the applicant has been taken away and therefore, it is a fit case for grant of interim relief. To support his submissions, learned Advocate for the applicant place reliance on citation reported in 2013 (4) Bom. C.R. 533 in the matter of **Magas Varga Karmachari Adhikari Suraksha Mahasangh Vs.**

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State of Maharashtra & Ors. In the said citation case, challenge to Government circular dated 27.11.2008 alleging violation of provision of Article 16 (4) of Constitution of India was made. In the said citation case it was observed and held as follows:-

“Circular provides that posts be kept reserved for three recruitment years and if candidate of a category is not available then it can be filled from candidate of other reserved category and in case no candidate from other category is available it should be filled with candidate of other open category with approval of department of General Administration- Contention that provision contrary to substantive provisions of Act cannot be made-Held, contention that proviso to section 6(1) of Act authorizes Government to issue directions or modification after enforcement of provisions of Act, cannot be accepted. Other contention that because circular is issued in name of Governor it amounts to modification of rules also cannot be accepted as it is contrary to Full Bench decision in 1976 B.C.I. 85 (soft). Act read with Government Resolution dated 5-12-2004 makes it mandatory for Government to take steps to fill vacancies from amongst candidates of prescribed category. Contrary to it Government permits to offer post to next roster point reserved category is impermissible. Impugned circular is therefore, liable to be quashed since it violates of Article 16 (4-B) of Constitution. Article 16 (4-B) provides that such vacancies be carried over for subsequent year or years for determining ceiling of 50% reservations. Hence, Circular quashed.”

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8. Learned C.P.O. for the respondents on the other hand opposed the submissions made on behalf of the applicant and submitted that the applicant has participated in the selection process, which is by way of advertisement dated 13.01.2023 more particularly being issued pursuant to the direction given by this Tribunal as per order dated 05.04.2022 in O.A.No. 260/2021. According to him, the advertisement is issued without reservation in accordance with law as it is a selection process from amongst the Agriculture Assistants. In view of the same, he seeks time for filing affidavit in reply.

9. After having considered the pleadings in the Original Application, Annexures thereof and submissions what emerges before me is that previously Recruitment Rules, 2004 (Annexure 'A-3') were there for the post of Agriculture Supervisor. Rule 3 of the said Recruitment Rules, 2004 is as follows:-

“3. Appointment to the posts of Agriculture Supervisor/Laboratory Inspector /Computer (Statistical Branch) in Group 'C' in the Commissionerate, shall be made either,-

(a) by promotion of a suitable person, on the basis of seniority subject to fitness from amongst the persons holding the posts of

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Agriculture 'Assistant/Laboratory Assistant, Group 'C' having not less than three years regular service in that post:

Provided that, the ratio for promotion amongst the persons who possess a degree and who do not possess a degree, diploma shall be 60: 40 of the vacancies available for promotion; or

(b) by nomination from amongst candidates who,-

(i) are not more than 30 years of age;

(ii) possess a degree or any other qualification recognized by the Government to be equivalent thereto;

(c) appointment by promotion and nomination, shall be made in the ratio of 70:30 respectively.

10. Upon perusal of Rule 3(b) more particularly it appears that at that time, there was nomination to the said post from amongst open market candidates and not from the Government employees working in the department. As against that Rule 3 of Recruitment Rules, 2018 is as follows:-

“3. Appointment to the posts of Agriculture Supervisor in Group 'C' in the Commissionerate shall be made either,-

(a) by promotion of a suitable person on the basis of seniority subject to fitness from amongst the persons holding the posts of

Agriculture Assistant, Group 'C', having not less than three years regular service on that post; or

(b) by selection of a suitable person on the basis of merit list prepared on the basis of limited Departmental Competitive Examination from amongst the persons holding the post of Agriculture Assistant, Group 'C', having not less than five years regular service on that post.”

11. Perusal of this Rule 3(b) would show that there is a complete deviation from earlier nomination to selection and now there is no open market nomination and the selection is from amongst suitable person from the post of Agriculture Assistant having no less than five years regular service on that post.

12. Reservation Act, 2001 more specifically refers to the public services. At this juncture nothing is produced on record to show that the selection as contemplated in Rule 3(b) of Recruitment Rules, 2018 amongst to public services and posts. The definition of public services is in Rule 2 (i) as follows:-

“ 2.
(i) “public services and posts” means the

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services and posts in connection with the affairs of the State and includes services and posts in,-

- (i) a local authority;
- (ii) a co-operative society established under the Maharashtra co-operative Societies Act, 1960, in which Government is a shareholder.
- (iii) a Board or a Corporation or a statutory body established by or under a Central or a State Act which is owned and controlled by the Government or a Government Companies as defined in section 617 of the Companies Act, 1956;
- (iv) an educational institution owned and controlled by the Government, which receives grant-in-aid from the Government including a university established by or under a Maharashtra Act;
- (v) any establishment ; and
- (vi) respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (v);”

13. Preamble of the said Reservation Act of 2001 which came in to force on 22.01.2004 is as follows:-

“An Act to provide for the reservation of vacancies in a public services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and other Backward Classes of Citizens and for matters connected therewith or incidental thereto.”

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14. It is also a fact that the reservation roster (Annexure 'A-5') is prepared as of 31.10.2022 in respect of 133 posts of Agriculture Supervisor. However, that itself would not be the decisive factor for applicability of Reservation Act, 2001 to the selection to the post of Agriculture Supervisor from amongst serving employees.

15. After having considered abovesaid provisions, in my considered opinion, Rule 3(b) of Recruitment Rules, 2018 specifically provides that 30% posts should be filled in by way of selection on the basis of limited Departmental Competitive Examination from amongst the persons holding the post of Agriculture Assistant, Group 'C' having not less than five years regular service on that post. In view of the same, it is not a process of nomination from amongst the candidate from public. In fact this deviation has taken place in Rule (3) of Recruitment Rules, 2018 from earlier Rule 3(b) of Recruitment Rules, 2004. When the Rule provides selection on merit, prima-facie in my considered opinion, it requires further consideration to see as to whether Reservation Act,

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O.A.183/2023

2001 can be made applicable to this selection process or not which would be possible in final hearing of the case.

17. Moreover selection process has already been started. It is a fact that the applicant has participated in the said process. However, according to the applicant inadvertently he forgot to mention the said vital fact in this Original Application. The Limited Departmental Competitive Examination is scheduled on 03.04.2023. In such circumstances, if interim relief as prayed for is granted, greater hardship is likely to be caused to other candidates, who have participated in the selection process and who are not before this Tribunal. The balance of inconvenience is not in favour of the applicant for the reasons as stated above. In view of the same, in my considered opinion, this is not a fit case for grant of interim relief in terms of prayer clause 10 (A) & (B). Hence, prayers of interim reliefs are hereby rejected.

18. Learned Advocate for the applicant submitted that in the process, the respondent can be directed not to declare the result and carry on further

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O.A.183/2023

process. However, in my considered opinion, once the interim relief is rejected, such a molded relief also cannot be granted. Hence, the said request is also rejected. In the facts and circumstances of the case, the selection process is made subject to outcome of this litigation.

19. S.O. to 17.04.2023.

MEMBER (J)

SAS ORAL ORDERS 30.03.2023.

ORIGINAL APPLICATION NO. 491 OF 2023
(Devidas T. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant has filed a **leave note**. Smt. Deepali S. Deshpane, learned Presenting Officer for the respondent authorities, is present.

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

3. In view of leave note of learned Advocate for the applicant, S.O. to 18.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 750 OF 2016
(Jaysing S. Maher Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023

ORAL ORDER :

Shri S.B. Talekar, learned Advocate for the applicant, Shri S.B. Patil, learned Advocate for the respondent Nos. 2 & 3 and Shri S.T. Shelke, learned Advocate for the respondent No.4, are **absent**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 10.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 595 OF 2016
(Dhanraj R. Dhumare Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023

ORAL ORDER :

Heard Shri A.S. Mirajgaonkar, learned Advocate holding for Shri Bharat R. Waramaa, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the respondent No.5.

2. S.O. to 20.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 406 OF 2016
(Vasanta B. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Hemant Surve, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 06.06.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 728 OF 2023

(Prashant N. 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 : 30.03.2023

ORAL ORDER :

Heard Shri Saket Joshi, learned Advocate holding for Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned Advocate for the respondent Nos. 20 to 22.

Shri R.P. Dhase, learned Advocate for the respondent No.19 and Shri G.K. Kshirsagar, learned Advocate for the respondent No.16, are **absent**.

2. Learned Advocate for the applicants submitted that the Original Application is filed challenging the promotion orders of the respondent Nos. 3 to 23 and such other candidates, who have been promoted thereby in spite of being ineligible and undeserving and seeking promotion to the applicants and similarly situated persons.

3. Learned Advocate for the applicant further submitted that during pendency of this Original Application, the applicant Nos. 1 & 2 have got promotion. The applicant No.3 has retired on

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O.A.728/2013

superannuation. He, however is not getting any information from the applicant No.4 and is unable to contact him. Therefore, he sought time for seeking instructions.

4. S.O. to 03.05.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 30.03.2023.

**O.A.NOS. 553/2013, 639/2012, 640/2012,
676/2012, 681/2012, 682/2012, 803/2012,
860/2012, 864/2012, 897/2012, 905/2012,
906/2012, 907/2012, 908/2012, 909/2012,
910/2012, 243/2013, 259/2013, 260/2013,
325/2013, 611/2013 AND 626/2014
(Rashid Shaikh Noor Patel & Ors. Vs. State of Maharashtra
& Ors.)**

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

DATE : 30.03.2023

ORAL ORDER :

Heard Shri S.S. Dambe, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these O.As.

2. S.O. to 19.04.2023 for hearing peremptorily at
3:00 p.m.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 555 OF 2014
(Sudhir A. Sathe Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2023

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 18.04.2023 for final hearing peremptorily.

MEMBER (A)

MEMBER (J)

M.A.NO.404/2022 IN O.A.NO.330/2022
(Datta Balasaheb Nannaware & Ors.
Vs. State of Maharashtra & Ors.)

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

DATE : 30-03-2023

ORAL ORDER :

Heard Shri A.S.Deshmukh, learned Counsel holding for Shri Ganesh G. Kore, learned Counsel for the applicants and Shri M.S.Mahajan, learned Chief Presenting Officer appearing for the State authorities.

2. Applicants are Data Entry Operators claiming to be working in the various departments of the State since last 7 to 10 years. Applicants have filed the O.A. seeking regularization of their services on the basis of length of service they have rendered with the Government. The aforesaid O.A. has been filed on 31-03-2022 and the notices came to be issued in the said matter on 06-04-2022. Though almost one year has lapsed after issuance of notices, the Government authorities have not filed their affidavits in reply to the said O.A. Present M.A. was filed on 13-09-2022. As has been submitted by the learned Counsel appearing for the applicant, the applicants are required to prefer the present M.A. as the Government has issued a tender for recruiting the Data Entry Operators through contractor. In the M.A. the applicants have prayed for prohibiting the respondents from taking further steps to open tender documents and

to outsource the work of data entry to any private agency in furtherance of the tender notice dated 12-09-2022. The applicants also have sought stay to the further process of the said tender notice dated 12-09-2022.

3. As noted earlier, M.A. has been filed on the very next date of the issuance of the tender notice. Affidavit in reply to the M.A. has been filed by the respondents on 25-11-2022 and the applicants have filed rejoinder to the said affidavit in reply yesterday i.e. on 29-03-2023. In the meanwhile, as has been submitted by the learned Counsel for the applicants tenders are opened and the further orders are likely to be issued allotting work of data entry to the concerned contractors. Learned Counsel for the applicants submitted that if the respondents are permitted to proceed further and get work of data entry done through outsourcing, inevitable effect of it will be ousting of present applicants from the services. Learned Counsel submitted that if it so happens, the very purpose of filing the O.A. by the present applicants will get frustrated. Learned Counsel submitted that respondents have not yet filed their reply to the O.A. In the circumstances, the said O.A. has not proceeded further.

4. Learned Counsel submitted that the issues which are raised by the applicants in the O.A. and the prayers made therein by them require adjudication. Each of the

applicants has been working with the Government for more than 6 to 7 years and some have worked even for 10 years. Learned Counsel further submitted that all these Data Entry Operators are selected on merit by the respective Revenue Authorities in the Taluka or in the District. Learned Counsel submitted that the applicants have a very strong case in their favour for regularization of their services in view of various judicial pronouncements on the issue. However, if the respondents are now not restrained from outsourcing the said work, the O.A. filed by the applicants will become infructuous. Learned Counsel brought to my notice that almost every Tahsildar in the Osmanabad District has recommended the continuation of the applicants who are working with respective Tahsildars. These applicants are having experience of work which is now sought to be outsourced.

5. Learned Counsel further submitted that the applicants are being presently paid a consolidated honorarium to the tune of Rs.12,000/- per month, whereas if the work is outsourced, as is revealing from the tender document, the Government will be required to pay around Rs.19,000/- per month to every Data Entry Operator. For all the above reasons, learned Counsel for the applicants has prayed for maintaining status quo as

on today in respect of the work of data entry being done by the applicants till the decision of the present O.A.

6. Learned CPO has opposed the prayer so made by the applicants. Respondent no.3 has filed affidavit in reply in M.A. Referring to the averments taken in the said affidavit in reply learned CPO submitted that, “to outsource the work” is the policy decision taken by the Government. He further submitted that the entire process has now been completed and work orders are also likely to be issued. In the circumstances, according to him the prayer as has been made on behalf of the applicants does not deserve any consideration. Learned CPO submitted that even otherwise also there is no case for the applicants in O.A. in view of the catena of judgments delivered by the Hon’ble Apex Court thereby deprecating the practice of backdoor entry in the Government services. On all above grounds he has prayed for rejecting the M.A.

7. I have duly considered the submissions advanced on behalf of the applicants as well as the respondents. It is not in dispute that though the O.A. is filed about a year back and the notices are issued to the respondents in the month of April, 2022 respondents have not yet filed their affidavit in reply on merits of the O.A. It is also not in dispute that till today, the applicants are discharging the duties as Data Entry Operators. It is

also not in dispute that each of the applicants has rendered services to the Government for more than 7 years. Some of them are working for about 10 years.

8. Whether the prayer of the applicants for their regularization, deserves any consideration, can only be decided after the replies are filed by the State authorities. Whether the entry of these applicants in Government services can be termed as backdoor entry, cannot be decided at this juncture without any material placed on record by the respondents. At this juncture, only aspect which deserves consideration is length of services rendered by these applicants as Data Entry Operators. There is substance in the contention raised on behalf of the applicants that if the Government outsources the work, O.A. filed by them would become infructuous.

9. Having regard to the facts as aforesaid, it appears to me that a prima facie case is certainly made out by the applicants. Moreover, as has been brought to my notice that the applicants are getting per month salary/honorarium @ Rs.12,000/-. In the event the said work is outsourced, the Government will have to pay Rs.19,000/- per month as per the tender conditions. As such, no prejudice is likely to be caused to the Government as neither the work of data entry would be

=6= M.A.NO.404/2022 IN O.A.NO.330/2022

hampered nor there would be any additional financial burden on the Government.

10. For the reasons as aforesaid, I deem it appropriate to pass the following order:

ORDER

[i] Respondents shall maintain status quo in respect of work of data entry being done by the applicants in the present M.A. as well as the O.A. till the decision of the O.A.

[ii] Respondents shall file their affidavits in reply to the O.A. within 2 weeks from the date of this order.

[iii] O.A. will be thereafter immediately taken up for hearing and an endeavor will be made to decide the O.A. as expeditiously as possible.

[iv] M.A. is allowed in the aforesaid terms.

11. S.O. to 17-04-2023.

VICE CHAIRMAN

YUK ORAL ORDER 30.03.2023

ORIGINAL APPLICATION NO.75/2023
(Umesh Manohar Dhakane Vs. State of Maharashtra & Ors.)

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

DATE : 30-03-2023

ORAL ORDER :

Shri A.S.Deshmukh, learned Counsel for the applicant, Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.V.Thombre, learned Counsel holding for Shri S.S.Thombre, learned Counsel for respondent no.5, are present.

2. Learned CPO submits that due to some reasons beyond his control he is unable to file reply today but in any case reply will be filed on or before 06-04-2013.

3. Though the request is opposed by the learned Counsel for the applicant, in the interest of justice, time is granted to file reply. It is expected that the Government will make available the relevant record for perusal of the Tribunal along with the affidavit in reply on or before the next date.

4. S.O. to 06-04-2023.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 487 OF 2020
(Usha Ranoji Bahirat Vs. State of Mah. & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Shri Shrish M. Kamble, learned counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the State authorities, is present.

2. On the previous date i.e. on 7.2.2023 the following order was passed in the present matter: -

“None appears for the applicant. On previous dated i.e. on 16.12.2022 also none was present for the applicant. However, in the interest of justice matter is adjourned by way of last chance till 27.02.2023. If the matter is not worked out on the given date, O.A. shall stand dismissed for want of prosecution.”

3. Today also no one has caused appearance for the applicant. It appears that the applicant has lost interest in prosecuting the present matter further. Hence the following order: -

ORDER

The Original Application is dismissed for want of prosecution. There shall be no order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 178 OF 2020
(Prashant Eknath Supekar Vs. State of Mah. & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Shri Mahesh K. Bhosale, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the State authorities, is present.

2. The record shows that on previous dates i.e. on 13.10.2022, 24.11.2022 & 12.1.2023 also the matter remained unattended and no one has caused appearance for the applicant. Today also no one has caused appearance for the applicant. It appears that the applicant has lost interest in prosecuting the present matter further. Hence the following order: -

ORDER

The Original Application is dismissed for want of prosecution. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDER 30.3.2023-HDD

ORIGINAL APPLICATION NO. 1142 OF 2022
(Smt. Maya Bapu Chabukswar Vs. State of Mah. & Ors.)

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

DATE : 30.3.2023

ORAL ORDER :

Ms. Vijaya P. Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the State authorities, are present.

2. Learned Presenting Officer has sought time by way of last chance to file affidavit in reply. Granted.

3. S.O. to 27.4.2023.

VICE CHAIRMAN

ORAL ORDER 30.3.2023-HDD

**ORIGINAL APPLICATION NO. 170 OF 2023
(Balkrushna M. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Heard Shri Rushikesh Joshi, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the State authorities.

2. Issue notice to respondents, returnable on 19.6.2023.

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

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

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

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

7. S.O. to 19.6.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 57 OF 2023
(Shaikh Mohd. Aslam Rahimshamiya Vs. State of
Maharashtra & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Heard Shri A. S. Deshpande, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the State authorities.

2. Issue notice to respondents, returnable on 14.6.2023.

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

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

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

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

7. S.O. to 14.6.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 538 OF 2019
(Jawahar Rajaram Bhoi Vs. State of Mah. & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Heard Smt. Vidya A. Taksal, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the State authorities.

2. Learned counsel appearing for the applicant, on instructions, submits that the reliefs, which were sought by the applicant in the present O.A. are granted by the respondents and, as such, leave is sought to withdraw the Original Application.

3. In view of the aforesaid submission made, the following order is passed: -

ORDER

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1079 OF 2022
(Vaishali Nemgonda Patil Vs. State of Mah. & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Heard Shri Anant Deokate, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the State authorities. None appears for respondent No. 4.

2. Learned counsel appearing for the applicant submitted that the present Original Application is filed with the prayer for revocation of order of suspension. Learned counsel further submitted that during the pendency of the present O.A., the respondents have revoked the suspension of the applicant, however, the posting has not been given to him. Learned counsel has prayed for disposing of the present Original Application by directing the respondents to give suitable posting to the applicant. Order dated 2.3.2023, whereby respondents have revoked the suspension. He has filed the order of revocation and the same is taken on record.

3. Since the suspension order is revoked, nothing remains to be considered in the present O.A. The prayer made by the applicant for suitable posting is worth considering. In the circumstances while disposing of the

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O.A. NO. 1079/2022

O.A. the respondents are directed to give suitable posting to the applicant as expeditiously as possible preferably within 4 weeks from the date of this order.

4. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDER 30.3.2023-HDD

**M.A.284/22 IN M.A.ST.635/12 IN O.A.ST.536/22
(Usha Ranoji Bahirat Vs. State of Mah. & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Shri A.V. Patil, learned counsel for the applicant and Smt. Sanjivani Dseshmukh-Ghate, learned Presenting Officer for the State authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not intending to file any rejoinder affidavit. List the matter for haring on 15.6.2023.

VICE CHAIRMAN

ORAL ORDER 30.3.2023-HDD

**M.A.NO. 382/2022 IN O.A.ST.NO. 1465/2022
(Madhukar Sudam Muneshwar Vs. State of Mah. & Ors.)**

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

DATE : 30.3.2023

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the State authorities, are present.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. At the request of learned counsel for the applicant, S.O. to 21.6.2023 for filing rejoinder affidavit, if any.

VICE CHAIRMAN

ORAL ORDER 30.3.2023-HDD