

ORIGINAL APPLICATION NO. 447/2021
(Malile Anil Gangadhar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri A.B. Mirajgaonkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the applicant is not willing to file rejoinder affidavit.

3. List the matter for admission hearing on 15.10.2024.

MEMBER (A)

MEMBER (J)

C.P. NO. 67/2024 IN O.A. NO. 240/2024
(Hareshwar Raghunath Ghuge Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri Joslyn Menezes, learned counsel holding for Shri P.M. Nagargoje, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the order passed by this Tribunal in the Original Application No. 240/2024, non-compliance of which is under challenge in this Contempt Petition, has now been complied with by the respondents and the applicant has been relieved from Nagpur and on Monday the applicant is going to join at Aurangabad.

3. In view of the same, nothing survives for further consideration in the present Contempt Petition and the same is accordingly disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 880/2024
(Gaurav G. Patil Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri A.B. Chalak, learned counsel holding for Shri A.S. Bayas, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 6.9.2024.

MEMBER (A)

MEMBER (J)

C.P. NO. 69/2024 IN O.A. NO. 986/2022
(Avinash A. Rakh Vs. State of Maharashtra & Ors.)

C.P. NO. 70/2024 IN O.A. NO. 659/2021
(Sushilkumar B. Ragh & Ors. Vs. State of Maharashtra & Ors.)

C.P. NO. 71/2024 IN O.A. NO. 183/2022
(Ashok Laybhaye & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri M.S. Karad, learned counsel for the applicants in all these matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. By consent, S.O. to 27.09.2024.

MEMBER (A)

MEMBER (J)

M.A. NO. 430/2022 IN O.A. ST. NO. 1463/2022
(Kana S. Pawara & Ors. vs. the State of Maharashtra & Ors.)

M.A. NO. 443/2022 IN O.A. ST. NO. 1705/2022
(Chimlya T. Bhil (Chaudhary) & Ors. vs. the State of Maharashtra & Ors.)

M.A. NO. 558/2022 IN M.A. ST. NO. 2056/2022 IN O.A. ST. NO. 2057/2022
(Janya Patale & Ors. vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri Y.H. Jadhav, learned counsel for the applicants in all these matters and S/shri V.R. Bhumkar & V.G. Pingle, learned Presenting Officers for the respondent authorities in all these matters. Shri M.S. Mahajan, learned counsel for respondent nos. 2 to 6 in all these matters (**absent**).

2. At the request of learned counsel for the applicants, S.O. to 20.9.2024 for filing rejoinder affidavit.

MEMBER (A)

MEMBER (J)

M.A. NO. 67/2023 IN O.A. ST. 111/2023
(Kalya C. Rahase & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri Y.H. Jadhav, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicants seeks leave to delete name of respondent no. 6 from the array of the respondents in the O.A. Leave granted. The Applicant to delete name of respondent no. 06 from array of respondents in the O.A., forthwith.

3. S.O. to 20.9.2024.

MEMBER (A)

MEMBER (J)

O.A. NOS. 160, 164, 165, 167, 86 AND 204/2024
(Dr. Archana Dhavale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri J.S. Deshmumkh, learned counsel for himself and holding for Shri A.D. Surdare, learned counsel for the applicants in respective matters and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present. None appears for respondent no. 3 in O.A. No. 86/2024.

2. Pleadings completed. List the matters for admission hearing on 6.9.2024.

MEMBER (A)

MEMBER (J)

O.A. NOS. 631, 677 AND 714 ALL OF 2019
(Dilip Kadam & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for S/shri S.S. Thombre and R.D. Khadap, learned counsel for the applicants in respective matters and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities in all these matters, are present.

2. At the request of learned counsel for the applicants, S.O. to 18.10.2024 for admission hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 566/2024
(Rahul W. Bandewad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

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

2. Even though the last chance was granted for filing affidavit in reply, the same is yet not filed.

3. List the matter for hearing on 30.9.2024. Applicant is at liberty to file rejoinder, if any, in the meanwhile period.

MEMBER (A)

MEMBER (J)

O.A. NOS. 108 AND 784 BOTH OF 2022
(Sitaram K. Zodage & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri Ashish Hazari, learned counsel holding for Shri A.S. Khedkar, learned counsel for the applicants in both the matters, Shri M.B. Bharaswadkar, learned Presenting Officer for the respondent authorities in both the matters and Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for respondent no. 9 in O.A. No. 784/2022, are present.

2. At the request of learned counsel for the applicants, S.O. to 18.9.2024 for admission hearing.

MEMBER (A)

MEMBER (J)

M.A. NO. 408/2024 IN O.A. 984/2024
(Vinod Waghmode & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

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

2. The office has raised objection that the Original Application do not come within the territorial jurisdiction of this Tribunal. Learned Presenting Officer has also raised similar objection. Learned counsel for the applicant seeks time to make appropriate submissions.

3. S.O. to 2.9.2024. **High on Board.**

MEMBER (A)

MEMBER (J)

O.A. NOS. 633 & 652/2024
(Sandip A. Patil & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande learned counsel for the applicant in O.A. No. 633/2024, Shri S.D. Joshi, learned counsel for the applicants in O.A. No. 652/2024 and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in both the matters, are present.

2. Shri S.D. Joshi, learned counsel for the applicants seeks time to file additional affidavit in O.A. no. 652/2024. Time granted.

3. S.O. to 18.9.2024.

MEMBER (A)

MEMBER (J)

O.A. NO. 125/2024 with M.A. NO. 367/2024
(Jayashree K. Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri S.C. Swami, learned counsel for the applicant in O.A., Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri S.A. Patil, learned counsel for applicant in M.A./intervenor, are present.

2. Learned Presenting Officer has tendered across the bar the affidavit in reply of respondent no. 3 in O.A. It is taken on record and copy thereof has been given to other side. The learned P.O. seeks time for filing affidavit in reply on behalf of respondent nos. 1 & 2. Time granted as a last chance.

3. S.O. to 6.9.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 725/2022
(Kishor A. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks leave to file affidavit in reply of respondent no. 4. Leave granted. Reply of respondent no. 4 is taken on record and copy thereof has been supplied to learned counsel for the applicant today itself. Learned counsel for the applicant seeks time to go through the affidavit in reply and file rejoinder, if so required.

3. S.O. to 8.10.2024.

MEMBER (A)

MEMBER (J)

M.A. NO. 369/2024 IN O.A. NO. 879/2024
(Omprakash Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri P.B. Kamble, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Although these applicants have appeared for the State Services recruitment process, they have approached this Tribunal with a common cause of action for one and the same relief.

3. The learned Presenting Officer submits that appropriate order may be passed.

4. In view of the same and for the reasons stated in the application, the present Misc. Application is allowed. The applicants are hereby permitted to sue jointly by filing single Original Application filed by them, subject to payment of requisite court fees, if not paid.

5. The Misc. Application No. 369/2024 is accordingly disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

O.A. NO. 879/2024

(Omprakash Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri P.B. Kamble, learned counsel for the applicants and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to respondents, returnable on 18.9.2024.

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

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

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

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

7. S.O. to 18.9.2024.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 172/2024
(Akshay Pawar Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 455/2024
(Madhav Kapse Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)
DATE : 30.08.2024

ORAL ORDER :

Shri P.S. Koshti & Shri Bhagwant Deshpande, learned counsel holding for Ms. Priyanka Deshpande, learned counsel for the applicants in inspective matters and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities in both the matters, are present.

2. Shri Deshpande, learned counsel submits that he is under instructions to appear for respondent no. 5 in O.A. No. 172/2024.

3. Learned C.P.O. seeks time to file affidavit in reply of respondents in both the matters. Time granted.

3. S.O. to 27.9.2024. The interim relief granted earlier in O.A. NO. 455/2024 to continue till then.

MEMBER (A)

MEMBER (J)

O.A. NO. 961/2024

(Ganesh Gawali & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 960/2024

(Sachin Doijad Vs. State of Maharashtra & Ors.)

O.A. NO. 850/2024

(Shubham Hake & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 798/2024

(Shubhangi Tambade & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 812/2024

(Akshay Jadhav & Ors. Vs. State of Maharashtra & Ors.)

O.A. NO. 855/2024

(Krishna Chemte & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

S/shri Amol B. Chalak, learned counsel for himself and holding for Shri P.A. Bhosle, Praveen B. Kamble, learned counsel for the applicants in all these matters, Shri MB Bharaswadkar, V.R. Bhumkar, V.G. Pingle, learned Chief Presenting Officer & Presenting Officers for the respondent authorities in all these matters and Shri D.A. Gaikwad, learned counsel for respondent nos. 4 to 9 in O.A. No. 850/2024 are present.

2. Learned counsel for the respondent nos. 4 to 9 has tendered across the bar the affidavit in reply in O.A. No. 850/2024. It is taken on record and copy thereof is given to learned counsel for the applicant, as well as, learned P.O.

3. Today, the learned C.P.O. has placed before us communication received from the MPSC dated 29.8.2024. It is taken on record and marked as document 'X' for the purpose of identification. On perusal of the said communication, it appears that the MPSC has called the action report in connection with the examination conducted for typing skill. Learned C.P.O. submits that the said report is necessary for further action in connection with the Original Applications filed by the applicants before this Tribunal and some of the respondents.

4. Learned C.P.O. has also placed before us another communication of today's date i.e. 30.8.2024 received from the MPSC, wherein it is stated that till the said action report is received and the affidavit in this connection will be filed before the Tribunal, no result of the said examination will be

declared. Learned C.P.O. thus in tune with the said communications seeks 04 weeks' time. In view of above, time of 04 weeks is granted.

5. Issue notice to the respondents in O.A. Nos. 961, 960 and 850 all of 2024, returnable on 30.9.2024.

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

7. 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.

8. 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.

9. 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.

10. S.O. to 30.9.2024.

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

MEMBER (A)

MEMBER (J)

M.A. NO. 398/2024 IN O.A.. NO. 961/2024
(Ganesh Gawali & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri Amol Chalak, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

MEMBER (A)

MEMBER (J)

O.A. 619/2024 WITH M.A. 313/2024
(Ganesh Dandge Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri S.B. Solanke, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present. Shri MB Kolpe, learned counsel for applicant in M.A. No. 313/2024 /intervenor (**absent**).

2. Learned counsel for the applicant in O.A. seeks time to file reply to the intervention application. Time granted.

3. S.O. to 19.9.2024. The interim relief, if any, granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

M.A. NO. 405/2024 IN O.A. 977/2024
(Nikhil Bhadane & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri AB Chalak, learned counsel holding for Shri PA Bhosale, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

MEMBER (A)

MEMBER (J)

O.A. 977/2024

(Nikhil Bhadane & Ors. Vs. State of Maharashtra & Ors.)

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri AB Chalak, learned counsel holding for Shri PA Bhosale, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 30.9.2024.

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

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

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

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

7. S.O. to 30.9.2024.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 26/2020
(Sanjay Salunke Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri Yogesh H. Jadhav, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Not on Board. At the request of learned counsel for the applicant it is taken on Board.

3. The learned counsel for the applicant submits that due to passage of time, the present Original Application has become infructuous and it be disposed of accordingly.

4. The C.P.O. has submitted that appropriate order may be passed.

5. In view of this, the present Original Application is disposed of as has become infructuous. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 681 OF 2023
(Dr. Prashant R. Ghodke Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

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

Shri R.T. Deshmukh, learned counsel for respondent No.4, **absent**.

2. By consent of learned counsel for the applicant and learned P.O., S.O. to 25.09.2024 for hearing.
3. The interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 682 OF 2023
(Dr. Suresh G. Ghule Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

Shri Deepak Rajput, learned counsel for respondent No.4, **absent**.

2. By consent of learned counsel for the applicant and learned P.O., S.O. to 25.09.2024 for hearing.
3. The interim relief granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 340 OF 2024
(Kailas B. Khade & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent of learned counsel for the applicant and learned P.O., S.O. to 09.09.2024 for hearing.

3. Status quo granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 332 OF 2024
(Somnath B. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri V.B. Wagh, learned counsel holding for Shri Sameer Kurundkar, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. By consent of learned counsel for the applicant and learned P.O., S.O. to 09.09.2024 for hearing.
3. Status quo granted earlier to continue till then.

MEMBER (A)

ORIGINAL APPLICATION NO. 422 OF 2024
(Ashok B. Markad Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 and 3. The same is taken on record and copy thereof is given to other side.

3. S.O. to 24.09.2024 for filing affidavit in rejoinder, if any.

MEMBER (A)

ORIGINAL APPLICATION NO. 328 OF 2023
(Ashok B. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in sur-rejoinder on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant.

3. S.O. to 01.10.2024 for hearing.

MEMBER (A)

**ORIGINAL APPLICATION NO. 592 OF 2024
(Arjun M. Pawar Vs. State of Maharashtra & Ors.)**

CORAM : Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of sole respondent. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant.

3. S.O. to 26.09.2024 for filing affidavit in rejoinder, if any.

MEMBER (A)

M.A. No. 334/2024 in O.A. No. 813/2024
(Sakharam G. Shardul & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

Shri S.B. Sontakee, learned counsel for the applicants (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicants, even though the circulation is sought.

3. S.O. to 23.09.2024.

MEMBER (J)

KPB ORAL ORDER 30.08.2024

ORIGINAL APPLICATION NO. 900 OF 2024
(Ashok A. Naikwade Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

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

2. The office has raised an objected that the applicant has not filed departmental appeal before the higher authority under Rule 17(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. Learned counsel for the applicant submits that by impugned order dated 31.05.2023, the applicant came to be suspended w.e.f. 10.04.2023 and the applicant is still under suspension for more than a period of one year. Learned counsel submits that the said order of suspension is still not reviewed despite representation submitted by the applicant.

4. In view of the same, the objection raised by the office is not sustainable and the same stands overruled.

5. Issue notices to the respondents, returnable on 24.09.2024.

//2// O.A. No. 900/2024

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

7. 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.

8. 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.

9. 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.

10. S.O. to 24.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 901 OF 2024
(Bandu B. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. The office has raised an objected that the applicant has not filed departmental appeal before the higher authority under Rule 17(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. By impugned order dated 31.03.2024, the applicant came to be suspended w.e.f. 28.02.2024. Thus considering the date of order of suspension, the applicant can exhaust the alternate remedy by filing departmental appeal.

4. In view of above, the Original Application is disposed of with liberty to the applicant to file departmental appeal. No order as to costs.

5. In the event any delay is counted for preferring departmental appeal, the time spent in pursuing the present Original Application shall be excluded.

MEMBER (J)

ORIGINAL APPLICATION NO. 944 OF 2024
(Abhishekh A. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

Shri K.G. Salunke, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 02.09.2024 for filing Misc. Application seeking amendment.

MEMBER (J)

**ORIGINAL APPLICATION NO. 571 OF 2020
(Madhukar R. Mapari Vs. State of Maharashtra & Ors.)**

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

DATE : 30.08.2024

ORAL ORDER :

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

2. It is a part heard matter. S.O. to 23.09.2024 for citations.

MEMBER (J)

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

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

DATE : 30.08.2024

ORAL ORDER :

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

2. It is a part heard matter. S.O. to 23.09.2024 for citations.

MEMBER (J)

**ORIGINAL APPLICATION NO. 133 OF 2023
(Ramesh S. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 30.08.2024

ORAL ORDER :

Heard Shri R.A. Joshi, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. It is a part heard matter. At the request of learned counsel for the applicant, S.O. to 06.09.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 334 OF 2023
(Ramshing H. Sulane Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

Shri R.A. Shinde, learned counsel holding for Shri D.B. Thoke, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits reply to the written notes of arguments in writing. Same is taken on record and copy thereof is given to learned Presenting Officer today itself.

3. It is a part heard matter. S.O. to 09.09.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 985 OF 2024
(Sangeeta B. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that by impugned order dated 29.08.2024 (Annexure A-1), the applicant came to be transferred from the post of Sub-Divisional Officer, Selu, Dist. Parbhani to Dy. Collector (General), Dist. Parbhani, which is mid-term and mid-tenure. Learned counsel submits that by the same order, the respondent No. 4 came to be transferred from the post of Dy. Collector (Rehabilitation), District Nagpur on the post occupied by the applicant at Selu, Dist. Parbhani. Learned counsel has pointed out column No. 4 of the chart of said order, wherein it has been specifically stated that so far as respondent No. 4 is concerned, by keeping the allotment of Revenue Division intact, she has been transferred as Sub-

//2//

O.A. No. 985/2024

Divisional Officer at Selu, Dist. Parbhani in the vacant place of the applicant on her transfer.

3. Learned counsel for the applicant has referred Rule 8 of the Maharashtra Government Allotment of Revenue Divisions for appointment by nomination and promotion to the posts in Group A and Group B (Gazetted and Non-Gazetted) Rules, 2021 (hereinafter referred as Rules of 2021). Learned counsel submits that by keeping allotment of Revenue Division of respondent No. 4 as it is and transferring her out of Revenue Division, would defeat the very object of framing the said Rules of 2021. Learned counsel submits that in order to accommodate respondent No. 4, who is directly recruited candidate, this impugned order came to be passed under two heads i.e. due to official exigencies / request. Learned counsel submits that the applicant neither requested for her transfer mid-term and mid-tenure nor any official exigencies exist for her mid-term and mid-tenure transfer. So this has been done only to accommodate respondent No. 4. Learned counsel has further pointed out the order dated 12.02.2024 (Annexure A-3), by which the

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O.A. No. 985/2024

applicant came to be transferred from Sub-Divisional Officer (General), Jalna. There is no official exigency and there is no request on part of the applicant to transfer her mid-term and mid-tenure.

4. I find much substance in the submissions made on behalf of the applicant by learned counsel. After having gone through the provisions of Rule 8 of the Rules of 2021, it is clear that the officers in Group A and Group B appointed either by direct recruitment or by promotion shall complete three years length of service in the concerned allotted Revenue Division. The respondent No. 4 falls under Group-A, for which tenure of service in a particular Revenue Division is three years. Thus transferring respondent No. 4, by keeping her allotment of Revenue Division intact to another Revenue Division, would be contrary to the provisions of Rule 8 of the said Rules of 2021. Further there is nothing mentioned in the impugned order that there is any official exigency exists. Further there is no request made by the applicant for her mid-term and mid-

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O.A. No. 985/2024

tenure transfer as repeatedly submitted by learned counsel for the applicant.

5. In view of above, interim relief in terms of prayer clause 12(E) is hereby granted till the next date of hearing, which is as under :-

“E) Pending the admission, hearing and final disposal of this Original Application the effect, operation and implementation of the impugned order dated 29/08/2024(Annex. A-1) issued by the Resp. No. I may kindly be stayed and the Respondents may kindly be further directed to permit the applicant to discharge duties attached to the post of Sub Divisional Officer, Selu under Resp. Nos, 2 and 3.”

6. Issue notices to the respondents, returnable on 13.09.2024.

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

8. 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.

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O.A. No. 985/2024

9. 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.

10. 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.

11. S.O. to 13.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 976 OF 2024
(Aruna G. Sangewar Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

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

2. Leave to implead Pulkit Singh, IAS as party respondent No. 3.

3. Learned counsel for the applicant submits that the applicant is working as Sub-Divisional Officer, Kandhar, Dist. Nanded. Learned counsel submits that by order dated 05.03.2024, the applicant came to be transferred from the post of Sub-Divisional Officer, Hadgaon, Dist. Nanded to Sub-Divisional Officer, Kandhar, Dist. Nanded. Learned counsel submits that surprisingly by impugned order dated 26.08.2024, the respondent No. 3, who is in the IAS cadre, came to be transferred on the post of Assistant Collector, Kandhar Sub-Division, Dist. Nanded. Learned counsel submits that there is only one post of Deputy Collector at Kandhar, Dist.

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O.A. No. 976/2024

Nanded and even though there is no corresponding order of transfer of the applicant, it is but obvious that, respondent No. 3, who is in IAS cadre has been transferred as Assistant Collector on the post occupied by the applicant at present.

4. Learned counsel for the applicant submits that in terms of Section 2(34) of the Maharashtra Land Revenue Code, 1966 "Sub-Divisional Officer" means an Assistant or Deputy Collector, who is placed in charge of one or more sub-divisions of a district. Learned counsel further pointed out Author's Notes in connection with Section 2(34), wherein it is stated that "Sub-Divisional Officer-officers recruited directly from I.A.S. cadres are called as Asstt. Collectors whereas officers promoted from the Tahsildars and Departmental level, are called as Dy. Collectors."

5. In view of above submissions and in terms of said definition, it is quite obvious that the respondent No. 3 came to be transferred on the post occupied by the applicant at present. In view of the same and even if the corresponding order of transfer

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O.A. No. 976/2024

of the applicant is yet to be issued, in all probabilities the transfer order of the applicant will be issued in order to accommodate respondent No. 3. It appears from the earlier order of transfer, the applicant has completed only six months of her tenure as Sub-Divisional Officer, Kandhar, Dist. Nanded. In case, the applicant is transferred to accommodate respondent No. 3 because that is only post available at Kandhar District Nanded, then the said transfer would be mid-term and mid-tenure without any justification.

6. In view of the same, the effect and implementation of order dated 26.08.2024 (Annexure-A) is hereby stayed till the next date of hearing.

7. Issue notices to the respondents, returnable on 13.09.2024.

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

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O.A. No. 976/2024

9. 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.

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 13.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 902 OF 2024
(Raghunath T. Kedare Vs. State of Maharashtra & Ors.)

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

DATE : 30.08.2024

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities.

2. The office has raised an objected that the applicant has not filed departmental appeal before the higher authority under Rule 17(i) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. Learned counsel for the applicant submits that by impugned order dated 07.07.2023, the applicant came to be suspended w.e.f. 20.06.2023 and the applicant is still under suspension for more than a period of one year. Learned counsel submits that the said order of suspension is still not reviewed despite representation submitted by the applicant.

4. In view of the same, the objection raised by the office is not sustainable and the same stands overruled.

5. Issue notices to the respondents, returnable on 24.09.2024.

//2// O.A. No. 902/2024

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

7. 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.

8. 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.

9. 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.

10. S.O. to 24.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 983 OF 2024
(Rahul Gopalrao Ambekar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The applicant belongs to OBC category and he was appointed on the post of Peon as nominee of the freedom fighter on 16.7.2008. Subsequently he was promoted to the post of Junior Clerk on 05.09.2019 and Senior Clerk on 31.07.2024. Learned counsel for the applicant submits that these promotions indicate that Applicant has been treated as a regular employee and/or a permanent employee. The applicant was initially appointed on the basis of freedom fighter's nomination in terms of Government Resolution dated 04.03.1991 (Annexure 'A-3').

3. Respondent No. 2 has issued the Government Resolution on 28.08.2024, which contains the following directions: -

“(i) As the G.R. dated 04.03.1991 has become outdated, it is cancelled.

(ii) *Those nominees of Freedom Fighters who are not selected & appointed through the prescribed procedure (directly appointed) in service, services of such employees shall be put to an end and the appointing authority should take the action.*

(iii) *The implementation of the said G.R. should be done immediately.”*

4. The applicant apprehends that he may be terminated from service based on the G.R. dated 28.08.2024. We find that the applicant's concern is well-founded and, therefore, we are inclined to grant interim relief. Accordingly, the following order is passed.

ORDER

2. Issue notice to respondents, returnable on 25.09.2024. **Till then the respondents shall not take any coercive action against the applicant in light of impugned Government Resolution bearing No. नामनि-२०२४/प्र.क.७२/स्वासेक-९ dated 28.08.2024.**

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

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

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)

Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

7. S.O. to 25.09.2024.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 986 OF 2024
(Ajinath Fakirba Kolte Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri R.N. Bharaswadkar, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. The applicant is working as Peon with the department of Fisheries since 04.05.2010. The applicant was appointed on the post of Peon in accordance with the provisions of Government circular dated 04.03.1991 as a nominee of Freedom Fighter.

3. Respondent No. 2 has issued the Government Resolution on 28.08.2024, which contains the following directions: -

“(i) As the G.R. dated 04.03.1991 has become outdated, it is cancelled.

(ii) Those nominees of Freedom Fighters who are not selected & appointed through the prescribed procedure (directly appointed) in service, services of such employees shall be put to an end and the appointing authority should take the action.

(iii) The implementation of the said G.R. should be done immediately.”

4. The applicant apprehends that he may be terminated from service based on the G.R. dated 28.08.2024. We find that the applicant's concern is well-founded and, therefore, we are inclined to grant interim relief. Accordingly, the following order is passed : -

ORDER

(i) Issue notice to respondents, returnable on 25.09.2024. **Till then the respondents shall not take any coercive action against the applicant in light of impugned Government Resolution bearing No. नामनि-२०२४/प्र.क.७२/स्वासेक-१ dated 28.08.2024.**

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

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

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

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

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O.A. NO. 986/2024

- (vi) S.O. to 25.09.2024.
- (vii) Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORAL ORDER 30.08.2024-HDD

ORIGINAL APPLICATION NO. 987 OF 2024
(Laxman Bapurao Kolte & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri Aakash D. Gade, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. The applicants were appointed on the respective posts by following the procedure prescribed under the Government Resolution dated 04.03.1991 as nominees of the freedom fighter. The applicants have been granted permanency and consequential benefits. The applicants were appointed on the respective posts in accordance with the provisions of Government circular dated 04.03.1991.

3. Respondent No. 2 has issued the Government Resolution on 28.08.2024, which contains the following directions: -

“(i) As the G.R. dated 04.03.1991 has become outdated, it is cancelled.

(ii) Those nominees of Freedom Fighters who are not selected & appointed through the prescribed procedure (directly appointed) in service, services of

such employees shall be put to an end and the appointing authority should take the action.

(iii) The implementation of the said G.R. should be done immediately.”

4. The applicants apprehend that they may be terminated from service based on the G.R. dated 28.08.2024. We find that the applicants' concern is well-founded and, therefore, we are inclined to grant interim relief. Accordingly, the following order is passed: -

ORDER

(i) Issue notice to respondents, returnable on 25.09.2024. **Till then the respondents shall not take any coercive action against the applicants in light of impugned Government Resolution bearing No. नामनि-२०२४/प्र.क्र.७२/स्वासेक-९ dated 28.08.2024.**

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

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

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

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

(vi) S.O. to 25.09.2024.

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

MEMBER (A)

MEMBER (J)

M.A.NO. 409/2024 IN O.A.NO. 987/2024
(Laxman Bapurao Kolte & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri Aakash D. Gade, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.08/2017
(Dr. Aruna Gangadhar Dahiphale Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri P.P. Dama, learned Counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 17.10.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.07/2017
(Shishirbaba K. Ghonmode Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Ms. Surekha Mahajan, learned Counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. This is pretty old matter of the year 2017. Today none appears for the applicant. It appears from the record that last several dates none present for the applicant.

3. In view of above, S.O. to 16.10.2024 for passing necessary orders.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.132/2016
(Mandabai G. Thakur Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri S.B. Mene, learned Counsel for the applicant has filed leave note. Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 15.10.2024.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.278/2017
(Maharashtra State Vaidyakiya Mahavidyalaya & Rugnalaya
Karmachari Sanghatana, Aurangabad Vs. State of Maharashtra &
Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri Madhur A. Golegaonkar, learned Counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. None appears for the applicant today. It appears from the proceedings that even on the last 03 occasions none remained present for the applicant.
3. In view of above, S.O. 18.10.2024 for passing necessary orders.

MEMBER (A)

MEMBER (J)

O.A.NO. 997/2023 WITH M.A.NO. 379/2023
(Dipak Vijay More Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri Dipak Vijay More, Party in person and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

Shri G.J. Karne, learned counsel for the applicant (intervenor) in M.A. No. 997/2023, is present.

2. The applicant in O.A. viz. Dipak Vijay More, who is ex-serviceman, is present today. He submits that his counsel is not looking after the matter. Thus, he seeks leave to make appropriate submissions in person in connection with his Original Application.

3. We direct the Registrar of this Tribunal to find out as to whether the party in person has a legal acumen to argue the matter and to make appropriate submissions in connection with the O.A. and submit report before us.

4. S.O. to 06.09.2024.

MEMBER (A)

MEMBER (J)

M.A.NO. 463/2022 IN O.A.ST.NO. 1779/2022
(Chakardhar P. Wadje Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Smt. Suchita Amit Dhongde, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel appearing for the applicant submits that there is delay of more than 12 years and affidavit in reply is not filed by the respondents. Learned counsel thus however, seeks time to file synopsis of events to explain the delay occurred in filing accompanying Original Application. Time granted.

3. S.O. to 17.10.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 30.08.2024-HDD

M.A.NO. 220/2023 IN T.A.1/2019 (W.P.11496/19)
(Sonali Shrimant Varwate & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard S.D. Joshi, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri Avinash S. Deshmukh, learned counsel for Caveator. None appears for respondent No. 19.

2. Learned counsel for the applicant submits that this matter is unnecessarily listed under the caption of hearing on M.A. for directions. In fact, this Tribunal has already passed order that this M.A. for direction shall be heard along with T.A.

3. In view of above submissions, list the matter for final hearing on 18.09.2024.

MEMBER (A)

MEMBER (J)

M.A.NO. 503/2023 IN O.A.NO. 836/2023
(Nagorao Namdeo Waghmare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri P.S. Mundhe, learned counsel for the applicant (**absent**). Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, is present.

2. Since nobody appears for the applicant, S.O. to 09.10.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 30.08.2024-HDD

M.A.NO. 228/2024 IN O.A.NO. 155/2024
(Pradeep Maganlal Chaudhari Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard B.R. Kedar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 5 and 7 and Shri S.G. Kulkarni, learned counsel holding for Shri Ajay Deshpande, learned counsel for respondent Nos. 3 & 6.

2. The present Misc. Application is filed by the applicant seeking directions to respondent No. 1 to promote him on the post of Joint Charity Commissioner forthwith and to give him posting on the said post provisionally in view of recommendation of his name vide communication dated 01.12.2023. By order dated 29.08.2024 we have directed the learned Chief Presenting Officer to take instructions as to what is life of selection list for the promotional post since learned counsel for the applicant has submitted that the said list will be expired on 31.08.2024.

3. In this regard, learned C.P.O. has placed before us communication received from Law & Judiciary Department dated 29.8.2024. The copy of the

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**M.A.NO. 228/2024 IN
O.A.NO. 155/2024**

communication is taken on record and marked as document 'X' for the purpose of identification.

4. In the aforesaid communication it is stated that even though if life of the said selection list for the promotional post expires on 31.08.2024. However, for the next year another list will be prepared and in any case the applicant will not lose his seniority. In view of the same, there is no reason to consider this M.A. seeking directions as stated above. It is however, made clear that in case any urgency likewise, the applicant would be at liberty to file such Misc. Application seeking directions as sought in the present M.A.. However, at present the present M.A. stands disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 155 OF 2024
(Pradeep Maganlal Chaudhari Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard B.R. Kedar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent Nos. 5 and 7 and Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for respondent Nos. 3 & 6.

2. Learned Chief Presenting Officer seeks time to file additional affidavit in reply to explain the proportion of departmental officers working in the Charity Commissioner's office and judicial officers sent on deputation for a particular period and thereafter sent back them to original post by repatriation.

3. We request the learned C.P.O. to take instructions as to what is the criteria to maintain the said proportion

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O.A. NO. 155/2024

4. Learned counsel appearing for respondent Nos. 3 & 6 and 5 & 7 seek time to file affidavit in reply. Time granted.

5. S.O. to 23.09.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 30.08.2024-HDD

ORIGINAL APPLICATION NO. 124 OF 2017
(Govind Bhoju Rathod Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Shri A.D. Gadekar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. We have heard both the sides for some time. It appears that in response to the advertisement No. 02/2011 the applicant has submitted application under the physical handicapped category by giving the post preferences as (i) Kalva Nirikshak (Canal Inspector), Aurangabad region, (ii) Mojanidar (Measurer), and (iii) Daftar Karkun, Aurangabad region. It further appears from the submissions of the learned CPO based on the affidavit in reply filed on behalf of the respondent Nos. 1 & 2 that the name of the applicant came to be recommended for the post of Daftar Karkun alone. We fail to understand as to what is the reason that though in the advertisement itself it is permissible to give preferences in connection with the aforesaid 03

:: - 2 -:: O.A. NO. 124/ 2017

posts then why the preferences of the applicant for other 02 posts were not considered.

3. We direct the learned C.P.O. to take specific instructions in this regard and file short affidavit of the concerned, if so needed.

4. S.O. to 13.09.2024.

MEMBER (A)

MEMBER (J)

ORAL ORDER 30.08.2024-HDD

**O.A.NOS. 375, 376, 418, 428 & 434 ALL OF 2020
(Amol Naikwade & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 30.08.2024

ORAL ORDER :

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

2. S.O. to 19.09.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORAL ORDER 30.08.2024-HDD

ORIGINAL APPLICATION ST. NO. 363/2020
(Dnyanba N. Dhapse & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri G.L. Deshpande, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. By consent of both the parties, the present Original Application has been taken up for final disposal at the admission stage itself.

3. Learned counsel for the applicants submits that the purpose of filing of this Original Application will be fulfilled if the directions are given to the respondents to decide the representations submitted by the applicants on the following dates in time bound manner.

25.02.1999, 05.06.1999, 29.09.1999, 08.06.2000,
07.12.2000, 05.03.2001, 23.03.2001, 10.10.2001,
12.07.2002, 06.10.2003, 21.10.2003, 20.07.2004,
25.05.2005, 23.05.2006, 28.12.2006, 22.05.2007,
26.07.2007, 29.11.2007, 16.02.2009, 05.08.2009,
28.08.2009, 11.12.2009, 14.02.2010 &
09.12.2016.

4. Learned Presenting Officer submits that in case if such directions are given then the liberty may be given to

the respondents to decide the aforesaid representations filed by the applicants on its own merits in accordance with law.

5. It appears that the applicants have filed the representations right from the year 1999 till the year 2016. Copies of these representations are annexed to this Original Application. Thus, by giving certain directions to the respondents to decide the said representations in a time bound manner on its own merits in accordance with law this Original Application can be disposed of. Hence, the following order: -

ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The respondents are hereby directed to decide the representations filed by the applicants as mentioned in prayer clause 'A' of the O.A. as expeditiously as possible and preferably within a period of three months from the date of receipt of copy of this order on its own merits in accordance with law.
- (iii) In the event of any adverse order is passed against the applicant in connection with their representations,

the applicants would be at liberty to approach this Tribunal again. All points are kept open.

(iv) The Original Application stands disposed of with the aforesaid terms however, without any order as to costs.

MEMBER (A)

MEMBER (J)

M.A.NO. 55/2021 IN O.A.ST.NO. 363/2020
(Dnyanba N. Dhapse & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri G.L. Deshpande, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicants have filed this Misc. Application for condoning the delay of 03 years, 02 months & 19 days occurred in filing accompanying Original Application and also seeking permission to the applicants to sue the Original Application jointly.

3. For the reasons stated in the Misc. Application the same stands allowed. The delay caused in filing accompanying Original Application stands condoned and the applicants are permitted to sue the Original Application jointly. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 419/2020
(Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari
Sanghatana Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri G.L. Deshpande, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. By consent of both the parties, the present Original Application has been taken up for final disposal at the admission stage itself.

3. Learned counsel for the applicant submits that the purpose of filing of this Original Application will be fulfilled if the directions are given to the respondents to decide the representations submitted by the applicant on the following dates in time bound manner.

25.02.1999, 05.06.1999, 29.09.1999, 08.06.2000,
07.12.2000, 05.03.2001, 23.03.2001, 10.10.2001,
12.07.2002, 06.10.2003, 21.10.2003, 20.07.2004,
25.05.2005, 23.05.2006, 28.12.2006, 22.05.2007,
26.07.2007, 29.11.2007, 16.02.2009, 05.08.2009,
28.08.2009, 11.12.2009, 14.02.2010 &
09.12.2016.

4. Learned Presenting Officer submits that in case if such directions are given then the liberty may be given to

the respondents to decide the aforesaid representations filed by the applicant on its own merits in accordance with law.

5. It appears that the applicant has filed the representations right from the year 1999 till the year 2016. Copies of these representations are annexed to this Original Application. Thus, by giving certain directions to the respondents to decide the said representations in a time bound manner on its own merits in accordance with law this Original Application can be disposed of. Hence, the following order: -

ORDER

- (i) The Original Application is hereby partly allowed.
- (ii) The respondents are hereby directed to decide the representations filed by the applicant as mentioned in prayer clause 'A' of the O.A. as expeditiously as possible and preferably within a period of three months from the date of receipt of copy of this order on its own merits in accordance with law.
- (iii) In the event of any adverse order is passed against the applicant in connection with his representations,

the applicant would be at liberty to approach this Tribunal again. All points are kept open.

(iv) The Original Application stands disposed of with the aforesaid terms however, without any order as to costs.

MEMBER (A)

MEMBER (J)

M.A.NO. 146/2020 IN O.A.ST.NO. 419/2020
(Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari
Sanghatana Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri G.L. Deshpande, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. This Misc. Application has been filed by the applicant seeking permission to him to file Original Application on behalf of members of Sanghatna in representative capacity.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, permission is granted to file Original Application on behalf of members of Sanghatna in representative capacity.

4. The present M.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

M.A.ST.NO. 418/2020 IN O.A.ST.NO. 419/2020
(Maharashtra Rajya Pashu Sawardhan Abhiyantriki Karmachari
Sanghatana Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri V.K. Jadhav, Member (J)
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.08.2024

ORAL ORDER :

Heard Shri G.L. Deshpande, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. The applicant has filed this Misc. Application for condoning the delay of 03 years, & 29 days occurred in filing accompanying Original Application.

3. For the reasons stated in the Misc. Application the same stands allowed. The delay caused in filing accompanying Original Application stands condoned. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)