ORIGINAL APPLICATION NO.404/2018 (Uddhav s/o Ganeshrao Gangawane Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri A.D.Gadekar, learned Advocate for the applicant, Shri N.U.Yadav, learned Presenting Officer for the respondent authorities and Shri R.M.Jade, learned Advocate for respondent no.6.

2. It is the case of the applicant that though he had sufficient experience as prescribed for the post advertised, the respondents have erroneously rejected his claim for appointment on the subject post. 22 posts of Multipurpose Health Workers (MPW) were advertised and out of said 22 posts, 2 posts were reserved for the candidates belonging to Scheduled Caste (SC) category. Applicant belongs to SC category. He is highly educated having qualification of MSc Microbiology. He also applied for the said post and was

O.A.NO.404/2018

shortlisted and called for counseling. In the advertisement itself a condition was incorporated that the candidate to be appointed on the said post must be holding experience of working on the post of Malaria Seasonal Spray Worker for at least 90 days' period. On the date of counseling, such certificate showing that the applicant had worked for 90 days was not with the applicant and the certificate which he produced was showing that he has worked as Malaria Seasonal Spray Worker for 82 days' only. In the circumstances, for want of prescribed experience, his candidature was rejected. Subsequently, respondent no.6 was invited for counseling and came to be appointed on the post reserved for SC category.

=2=

3. In the present O.A., it is the grievance of the applicant that he had worked on higher post of Laboratory Technician and the said experience must have been considered by the respondent authorities. Learned Counsel further submitted that till the applicant filed the

O.A.NO.404/2018

present O.A., the post was lying vacant and came to be filled in only upon the notice in the present O.A. was served upon the respondents. Learned Counsel submitted that the experience of the applicant as a Laboratory Technician be directed to be taken into account and the applicant be directed to be appointed on the subject post.

=3=

4. The request of the applicant is opposed by the learned P.O. as well as the learned Counsel appearing for the respondent no.6. Learned P.O. submitted that only reason for not appointing the applicant was the lack of experience which was prescribed as one of the eligibility criteria for appointment on the subject post. The learned Counsel for respondent no.6 submitted that after following due process of law, the respondent no.6 has been appointed on the subject post and is working for last more than 4 years on the said post and his appointment shall not be disturbed.

=4=

O.A.NO.404/2018

5. We have considered the submissions advanced by the learned Counsel appearing for the parties. Admittedly, in the total posts advertised, only 2 posts were reserved for SC category. So far as the first candidate is concerned, there is no dispute. Second candidate, who was initially selected, was the applicant and he could not be appointed as contended by the respondents for want of experience. Thereafter, the respondent no.6 came to be appointed having complied with the eligibility criteria and other norms prescribed in the advertisement.

6. Learned Counsel though has strenuously urged that the experience of the applicant having worked on the post of Laboratory Technician shall also be considered, we are unable to accede to such submission since it may not be possible and advisable also to go beyond criteria prescribed in the advertisement. Nothing has been brought on record to disturb the appointment of respondent no.6. Though the learned Counsel for the applicant has argued that

O.A.NO.404/2018

applicant will be getting age barred and he may not have any opportunity of getting employment thereafter and as such his case may be considered sympathetically, we are unable to cause any indulgence in the present matter, since the rejection does not appear to be illegal or incorrect, there is no other option before us except to dismiss the present O.A. It is accordingly dismissed, however, without any order as to costs.

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MEMBER (A) YUK ORAL ORDERS 30.03.2022

C.P.NO.15/2014 IN O.A.NO.1128/1999 (Revannath Landge Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

Shri A.S.Deshmukh, learned Advocate for the applicant and Shri S.B.Bedwal, learned Advocate holding for Shri S.V.Adwant, learned Special Counsel for the respondents, are present.

At the request and consent of both the parties,
S.O. tomorrow i.e. on 31-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.392/2018 (Chandrakant Kapse Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

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

Shri Uttam S. Dambale learned Advocate for respondent nos.5 to 7 & 9 is **absent**.

2. S.O. to 06-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.182/2019 (Dr. Devidas Lavhate Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

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

2. S.O. to 06-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.779/2019 & 780/2019 (Dr. Shashikant Dange & Anr. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

Shri J.S.Deshmukh, learned Advocate for the applicants and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. At the request of learned Presenting Officer, S.O. to 22-04-2022 for filing affidavit in reply, as a most last chance.

MEMBER (A) YUK ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO.826/2021 (Baliram Sapkale & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri S.D.Dhongde, learned Advocate for the applicants and Shri D.R.Patil, learned Presenting Officer for the respondents.

2. When the present O.A. is taken up for consideration, Shri Dhongde, learned Counsel appearing for the applicants submitted that during the pendency of the present O.A. both the applicants have retired after attaining age of superannuation. Learned Counsel submitted that in view of their superannuation, the applicants are now not pressing the relief as claimed in prayer clause 10(B). Learned Counsel, however, further submitted that on the pretext of an appeal filed before the Hon'ble Bombay High Court against the order of acquittal passed in the cases of the applicants, the respondents have

O.A.NO.826/2021

not paid the retiral benefits which are payable to the present applicants. Learned Counsel submitted that this Tribunal has passed an order on 17-02-2022 giving directions to the respondents for releasing the said benefits in favour of the applicants.

=2=

3. Learned Counsel relying upon the judgments of the Division Bench of the Hon'ble Bombay High Court passed in case of Vishnu Gangaram Sonawane V/s. Chief Executive Officer, Zilla Parishad, Nashik & Ors. [2015 (1) Bom. LC 340 (Bom)] and in Writ Petition No.6650/2020 in case of Ashfakali Khan Abdulali Khan V/s. The State of Maharashtra & Ors., submitted that merely because the order of acquittal is challenged before the Hon'ble High Court, pensionary benefits payable to the applicants cannot be withheld.

4. Learned P.O. submitted that the payment of provisional pension has already commenced and the

O.A.NO.826/2021

process is going on for deciding the entitlement of the applicant for other benefits.

=3=

5. In view of the submissions made by the learned Advocate for the applicants as well as the learned P.O., it appears to us that the present O.A. can be disposed of with direction to the respondents to release the payable pensionary benefits in accordance with law after following due process of law and after getting the necessary undertakings from the applicants, within 3 months from the date of this order. No order as to costs.

MEMBER (A) YUK ORAL ORDERS 30.03.2022

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

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

Shri S.B.Talekar, learned Advocate for the applicant is **absent**.

Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, Shri A.B.Rajkar, learned Advocate for respondent nos.5 to 12 & 14, Shri Ganesh Jadhav learned Advocate holding for Shri A.S.Shelke, learned Advocate for respondent no.15 and Shri N.S.Choudhary learned Advocate for respondent no.13, are present.

2. S.O. to 14-06-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.512/2019 (Vinod Dandge Vs. State of Maharashtra & Ors.)

- <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)
- DATE : 30.03.2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents, are present.

2. S.O. to 19-04-2022. High on Board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.174/2021 (Shaikh Musa Shaikh Mohioddin Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.03.2022

ORAL ORDER :

Shri H.M.Shaikh, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 19-04-2022. High on Board.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 54 OF 2019 (Varsha S. Pawara Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri P.B. Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2. Shri V.C. Patil (Ashtekar), learned Advocate for respondent No. 3, **absent**.

2. At the request of learned Advocate for the applicant, S.O. to 06.05.2022 for final hearing.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 122 OF 2019 (Shaikh Ahamad Abdul Sattar Mujawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 06.05.2022 for final hearing.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 346 OF 2021 (Dilip P. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 22.04.2022 for final hearing.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 508 OF 2021 (Navanath N. Sabale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26.04.2022 for final hearing.

KPB ORAL ORDERS 30.03.2022

M.A. No. 57/2021 in O.A. St. No. 118/2021 (Bhalchandra S. Waghule Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

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

2. As per the Circular No. MAT/MUM/ESTT/732/ 2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matters are pertaining to benefits of time bound promotion.

3. In view of the same, the present matters be placed before the Division Bench for further hearing.

4. S.O. to 05.05.2022.

MEMBER (J)

M.A. No. 454/2018 in O.A. St. No. 1906/2018 (Kiran S. Pawar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 26.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 434 OF 2019 (Namdeo S. Ghone Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri S.D. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 05.05.2022 for final hearing.

KPB ORAL ORDERS 30.03.2022

M.A. No. 67/2022 in O.A. St. No. 196/2022 (Aasaram P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2022

ORAL ORDER:

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

2. Learned Advocate for the applicant submits that during the course of the day he will file service affidavit.

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

4. S.O. to 25.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 704 OF 2019 (Vishwanath T. Yeslote Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Smt. Bharti Gupta, learned Advocate holding for Shri K.M. Nagarkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 25.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 20 OF 2019 (Nita B. Magare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Shri A.R. Gaikwad, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 26.04.2022 for passing necessary order.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 21 OF 2019 (Nandini S. Holkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Shri A.R. Gaikwad, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 26.04.2022 for passing necessary order.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 255 OF 2019 (Subhash D. Thale Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

3. S.O. to 26.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 01 OF 2020 (Seema S. Dalvi & Anr. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri Mujahed Hussain, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 26.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 90 OF 2020 (Satish N. Badade Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 25.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 165 OF 2020 (Babu D. Ghute Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No. 1 and Shri A.D. Gadekar, learned Advocate for respondent No. 2.

2. Learned Advocate for respondent No. 2 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 1.

4. S.O. to 26.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 512 OF 2020 (Shubash L. Kadam Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Shri S.C. Bhosle, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 27.04.2022 for passing necessary order.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 67 OF 2021 (Prabhakar R. Chincholkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1 & 4. Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 & 3 (**absent**).

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit.

3. S.O. to 27.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 364 OF 2021 (Vinayak K. Kalambkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Shri V.S. Kadam, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 & 4 and Shri G.N. Patil, learned Advocate for respondent Nos. 2 & 3

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 & 4.

3. S.O. to 28.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 436 OF 2021 (Adinath V. Mundhe Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri Abhijeet Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 1 to 6.

3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

4. S.O. to 13.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 632 OF 2021 (Harishchandra G. Lohkare Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Shri P.D. Suryawanshi, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 21.04.2022.

KPB ORAL ORDERS 30.03.2022

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

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 21.04.2022.

KPB ORAL ORDERS 30.03.2022

O.A. Nos. 739/2021, 740/2021 & 741/2021 (Vilas M. Yadav & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) DATE : 30.03.2022

<u>DAIL</u> . 00.00.20

ORAL ORDER :

Heard Shri S.B. Solanke, learned Advocate for the applicants in all these O.As. and Shri N.U. Yadav, learned Presenting Officer for the respondents in all these O.As.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 3 in all these O.As.

3. S.O. to 22.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 754 OF 2021 (Sunil S. Pradhan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 1 to 4.

3. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit.

4. S.O. to 11.04.2022.

MEMBER (J)

O.A. Nos. 753/2021, 755/2021, 756/2021 & 757/2021 (Shankar P. Dhupe & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate for the applicants in all these O.As. and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents in all these O.As..

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in all these O.As.

3. S.O. to 29.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 796 OF 2021 (Dinesh A. Chavan Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Shri Amol S. Gandhi, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 29.04.2022 for taking necessary steps.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 813 OF 2021 (Gayatri H. Katore Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2022

ORAL ORDER:

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

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

3. S.O. to 21.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 820 OF 2021 (Akash G. Lavate Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2022

ORAL ORDER :

Heard Shri Masood C. Syed, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

3. S.O. to 13.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 10 OF 2022 (Akash T. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri Syyed G.N., learned Advocate holding for Shri A.D. Aghav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 29.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 44 OF 2022 (Rakhi D. Wahatkar & Anr. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Shri Subhash Chillarge, learned Advocate for the applicants (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 29.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 14 OF 2022 (Baburao S. Mule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.03.2022

ORAL ORDER :

Heard Shri R.D. Khadap, learned Advocate holding Shri S.S. Thombre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that during the course of the day he will file service affidavit.

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

4. S.O. to 29.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 63 OF 2022 (Sandeep S. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

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

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

3. S.O. to 28s.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 74 OF 2022 (Siddiqui Mohd. Minhaiuddin Mohd. Sardauddin Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 28.04.2022.

KPB ORAL ORDERS 30.03.2022

M.A. No. 84/2021 in O.A. St. No. 263/2021 (Raju P. Korde Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

<u>DATE</u> : 30.03.2022

ORAL ORDER:

Heard Shri N.P. Bangar, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Mene, learned Advocate for respondent Nos. 3 to 6.

2. At the request of learned Chief Presenting Officer for respondent Nos. 1 and 2 and learned Advocate for respondent Nos. 3 to 6, time is granted for filing affidavit in reply in M.A.

3. S.O. to 28.04.2022.

MEMBER (J)

M.A. No. 195/2021 in O.A. St. No. 727/2021 (Pathan Mahebub Ahemad Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri S.N. Pawde, learned Advocate holding for Shri M.K. Bhosale, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 28.04.2022.

MEMBER (J)

M.A. No. 231/2021 in O.A. St. No. 782/2021 (Raju T. Kamble Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

<u>DATE</u> : 30.03.2022

ORAL ORDER :

Heard Shri P.B. Jadhav, learned Advocate holding for Shri S.P. Chate, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1, 2 & 4. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, S.O. to 28.04.2022 for taking necessary steps for respondent No. 3.

KPB ORAL ORDERS 30.03.2022

M.A. No. 288/2021 in O.A. No. 491/2019 (Satish S. More Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Shri J.M. Murkute, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Await service of notice on the respondents.

3. As none present for the applicant, S.O. to 29.04.2022 for taking necessary steps.

KPB ORAL ORDERS 30.03.2022

M.A. No. 345/2021 in O.A. St. No. 1475/2021 (Anantrao V. Soudagar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) DATE : 30.03.2022

ORAL ORDER:

Heard Shri Mujahed Hussain, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri D.T. Devane, learned Advocate for respondent Nos. 3 & 4.

2. At the request of learned Presenting Officer for respondent Nos. 1 & 2 and learned Advocate for respondent Nos. 3 & 4, time is granted for filing affidavit in reply in M.A.

3. S.O. to 26.04.2022.

MEMBER (J)

M.A. No. 391/2021 in O.A. No. 450/2021 (Dr. Pratap P. Ege Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

<u>DATE</u> : 30.03.2022

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 to 4. Shri P.R. Tandale, learned Advocate for respondent No. 5, **absent**.

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A.

3. S.O. to 19.04.2022.

MEMBER (J)

M.A. NO. 410/2021 in O.A. No. 675/2021 (Dr. Balaji M. Mirkute Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) DATE : 30.03.2022

ORAL ORDER:

Heard Shri J.S. Deshmukh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri V.G. Pingle, learned Advocate holding for Shri V.B. Wagh, learned Advocate for respondent No. 5. None present on behalf of respondent No. 4, though duly served.

2. Record shows that affidavit in reply on behalf of respondent No. 5 is filed in M.A., as well as in O.A.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3 in M.A.

4. S.O. to 22.04.2022. Interim relief granted earlier in M.A. to continue till then.

MEMBER (J)

M.A. No. 176/2020 in O.A. St. No. 2388/2019 (Ravindra R. Joshi Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

<u>DATE</u> : 30.03.2022

ORAL ORDER :

Heard Shri P.V. Suryawanshi, learned Advocate holding for Shri A.P. Yenegure, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit in M.A.

3. S.O. to 02.05.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 539 OF 2019 (Amol P. Awchar Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 06.06.2022 for final hearing.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 335 OF 2020 (Arjun N. Pache Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

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

3. At the request of learned Presenting Officer for the respondents, S.O. to 12.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 87 OF 2019 (Yogiraj V. Mane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Shri N.U. Yadav, learned Advocate for respondent Nos. 2 & 3.

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

3. At the request of learned Presenting Officer, S.O. to 20.04.2022.

MEMBER (J)

M.A. No. 290/2021 in O.A. No. 921/2019 (Dr. Aasma Kalim Siddiqui Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Shri R.P. Adgaonkar, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 29.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 24 OF 2022 (Jayant R. Ambhore Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 ORAL ORDER :

Heard Shri K.A. Ingle, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 and 2. Shri N.A. Jadhav, learned Advocate for respondent No. 3, **absent**.

2. Issue notice to the respondents, returnable on 04.05.2022.

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 04.05.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 480 OF 2019 (Ashok G. Puri Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 29.04.2022.

KPB ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 666 OF 2019 (Mahendrasing N. Girase Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER:

Shri M.V. Salunke, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 and Shri P.V. Suryawanshi, learned Advocate holding for Shri G.D. Jain, learned Advocate for respondent No. 2.

2. At the request of learned Advocate for respondent No. 2, time is granted for filing affidavit in reply.

3. S.O. to 29.04.2022.

MEMBER (J)

M.A. No. 94/2021 in O.A. No. 1060/2019 (Devidas D. Patil Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri S.V. Suryawanshi, learned Advocate for the applicant in the present M.A. / respondent No. 8 in O.A., Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 2 to 8 and Shri D.B. Thoke, learned Advocate for the respondent No. 1 in the present M.A. / applicant in O.A.

2. At the request of learned Advocate for the respondent No. 1 in the present M.A. / applicant in O.A., S.O. to 25.04.2022 for final hearing.

MEMBER (J)

M.A. 136/2022 with M.A. 137/2022 in M.A. 323/2021 in O.A. 381/2021 (Swapnil S. Shimpi and Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The M.A. Nos. 136/2022 and 137/2022 are made seeking amendment in the M.A. 323/2021, as well as, in O.A. No. 381/2021 to the extent of joining of remaining one son and two daughters of the applicant No. 3 as co-applicants.

3. The Original Application is filed for seeking compassionate appointment to the applicant No. 1 i.e. Swapnil Sunil Shimpi in place of the applicant No. 2 i.e. Harshal Sunil Shimpi. In these circumstances, in my considered opinion, joining of remaining one son and two daughters will not change the nature of proceedings and it may help to decide the real question of controversy between the parties. I therefore, proceed to pass following order :-

//2// MA 136/22 with MA 137/22 in MA 323/21 in OA 381/21

<u>O R D E R</u>

- 1. M.A. Nos. 136/2022 and 137/2022 are allowed.
- 2. The applicant shall carry out the necessary amendment in the M.A. No. 323/2021 and O.A. within a period of one week and to serve the amended copy of the M.A. No. 323/2021 and O.A. to the other side.
- 3. Accordingly, M.A. Nos. 136/2022 and 137/2022 stand disposed of with no order as to costs.

MEMBER (J)

M.A. 323/2021 in O.A. 381/2021 (Swapnil S. Shimpi and Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J)

DATE : 30.03.2022

ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

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

3. For the reasons stated in the applications, 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 (J)

ORIGINAL APPLICATION NO. 381 OF 2021 (Swapnil S. Shimpi & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 ORAL ORDER :

Heard Shri T.R. Daware, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Issue notice to the respondents, returnable on 02.05.2022.

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

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

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

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

- 7. S.O. to 02.05.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A.NO.193 OF 2021 IN O.A.ST.NO.346 OF 2021 (Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 ORAL ORDER :

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

2. Learned Advocate for the applicant submits that in the amendment application certain pleadings regarding limitation remain to be mentioned. Hence, he seeks permission to withdraw the present Misc. Application with liberty to file fresh application.

3. Permission as prayed for is granted.

4. In view of above, the Misc. Application No.193/2021 stands disposed of as withdrawn. No order as to cost.

MEMBER (J)

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION ST.NO.346 OF 2021 (Suryakant S. Bhalerao Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 <u>ORAL ORDER</u> :

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

2. At the request of the learned Advocate for the applicant, S.O. to 26.04.2022.

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 322 OF 2019 (Pushkar B. Randhumal Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 <u>ORAL ORDER</u> :

Heard Shri Ajay S. Deshpande, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. The present matter is closed for order.

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 286 OF 2021 (Sayyed Ubed Sayyed Asif & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022

ORAL ORDER :

Heard Shri G.N. Kulkarni, learned Advocate holding for Shri Nikhilesh K. Tungar, learned Advocate for the applicants and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the applicants, S.O. to 25.04.2022.

MEMBER (J)

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 15 OF 2017 (Subhash M. Sonwane Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 <u>ORAL ORDER</u> :

Shri Sanjay Kolhare, learned Advocate for the applicant, is **absent**. Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 06.05.2022.

MEMBER (J) SAS ORAL ORDERS 30.03.2022 ORIGINAL APPLICATION NO. 370 OF 2019 (Yasmin Hashmi W/o Vasim Hashmi Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 <u>ORAL ORDER</u> :

Heard Shri Vivek G. Pingle, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos.1 to 4. Shri M.S. Dhannavat, learned Advocate for the respondent No.5, is **absent**.

2. The present matter be treated as part heard.

3. By consent of both the parties, S.O. to 31.03.2022.

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 186 OF 2020 (Sachin H. Kendre Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022

ORAL ORDER :

Shri Ajit B. Kale, learned Advocate for the applicant and Shri Shrinivas A. Ambad, learned Advocate for the respondent No.5, are **absent**. Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 to 4, is present.

2. In view of absence of learned Advocate for the applicant and learned Advocate for the respondent No.5, S.O. to 05.05.2022.

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 617 OF 2021 (Kiran P. Chaudhari Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 to 3 and Smt. Dharti Gupta, learned Advocate holding for Shri Kiran M. Nagarkar, learned Advocate for the respondent No.4.

- 2. The present matter be treated as part heard.
- 3. By consent of all the parties, S.O. to 06.04.2022.

MEMBER (J)

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 712 OF 2021 (Dr. Subhash G. Kabade Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022

ORAL ORDER :

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

2. Learned Advocate for the applicant submits that the applicant does not wish to file affidavit-inrejoinder.

3. S.O. to 07.04.2022 for admission.

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 662 OF 2021 (Yashwant P. Jadhav Vs. State of Maharashtra & Ors.)

<u>CORAM</u> : Hon'ble Shri V.D. Dongre, Member (J) <u>DATE</u> : 30.03.2022 ORAL ORDER :

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

2. Learned Advocate for the applicant placed on record the copy of application dated 10.12.2021 made by the applicant to the respondent No.1 and the copy of communication dated 02.03.2022 received by the office of learned C.P.O. from the respondent No.1 and copy of communication dated 30.03.2022 addressed by the applicant to his learned Advocate. Those documents are taken on record and marked as **'**X' document collectively for the purpose of identification.

3. Communication dated 02.03.2022 received by the learned C.P.O. states that requisite permission is received from the competent authority to post the applicant at World Bank Project Sub-Division, No.3, Aurangabad.

//2// O.A.662/2021

4. Learned P.O. to place on record the progress report in this regard by the next date.

5. The applicant has produced on record the communication addressed to his learned Advocate stating that he is ready to withdraw the present Original Application if posting is given as per procedure.

6. In the circumstances, the respondents are at liberty to take appropriate decision and place the same on record.

7. S.O. to 13.04.2022.

MEMBER (J)

SAS ORAL ORDERS 30.03.2022

ORIGINAL APPLICATION NO. 440/2020 (Sitaram D. Kolte & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri Tejan Mankar, learned Counsel holding for Ms. Preeti Wankhade, learned Counsel for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. IInd set of O.A. is not filed.

3. The learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

4. S.O. to 4.5.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 53/2021 (Yadav S. Sonkamble Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri S.B. Solanke, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri Nandkishor Yadav, learned Counsel for respondent no. 5, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply. The learned Counsel for the applicant submits that due opportunities are already availed by the respondents. In the interest of justice, time granted as a last chance. If reply is not filed by the next date, the matter will be heard without reply of the respondents.

3. S.O. to 4.5.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 119/2021 (Sudhakar B. Aandhale Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri Ajit M. Gholap, learned Counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 5.5.2022 for filing rejoinder affidavit.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 510/2021 (Rohidas A. Bhalsing Vs. State of Maharashtra & Ors.)

- <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)
- **DATE** : 30.3.2022

ORAL ORDER :

Smt. Priya R. Bharaswadkar, learned Counsel for the applicant (**absent**). Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 5.5.2022 for filing rejoinder affidavit.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 588/2021 (Holambe N. Dagdu & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Shri C.V. Dharurkar, learned Counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities and Shri Chandrakant A. Jadhav, learned Counsel for respondent no. 5, are present.

2. S.O. to 5.5.2022 for filing affidavit in reply by the respondent no. 5.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 624/2021 (Pradeep D. Mulgir Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel holding for Smt. Suchita Dhongde, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned Chief Presenting Officer has sought time for filing affidavit in reply of respondent nos. 2 & 4. Time granted.

3. S.O. to 6.5.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 780/2021 (Dr. Gajanan A. Surwade Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 6.5.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

M.A. 277/2019 IN O.A. ST. 9/2019 (Kishan E. Vibhute & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Shri A.D. Kaware, learned Counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present. Shri D.P. Bakshi, learned Counsel for respondent no. 7 in O.A. (**absent**).

2. The learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 28.4.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

M.A. 534/2019 IN O.A. ST. 2024/2019 (Suhas B. Selukar & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Shri K.C. Sonone, learned Counsel holding for Shri R.P. Bhumkar, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

- 2. IInd set not filed.
- 3. S.O. to 28.4.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

M.A. 79/2021 IN O.A. ST. 288/2021 (Pralhad V. Fiske Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri Hemant D. More, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.

3. S.O. to 29.4.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

M.A. 269/2021 WITH MA ST. 802/21 IN OA ST. 803/21 (Dattatraya S. Sonawane Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

S/shri R.C. Bramhankar & V.S. Panpatte, learned Counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing affidavit in reply. Time granted.

3. S.O. to 29.4.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

M.A. 315/2021 IN O.A. ST. 1338/2021 (Chandrashekhar S. Iyer Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Shri A.S. Deshpande, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

- 2. Await Service of notice upon the respondents.
- 3. S.O. to 29.4.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

M.A. 133/2022 IN O.A. ST. 452/2022 (Varaha P. Mandale & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri V.U. Rathod, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned Counsel for the applicants seeks leave to amend the designation of respondent no. 3 and want to substitute instead of 'The Chairman' as 'The Secretary'. Leave granted as prayed for. Amendment be carried out forthwith.

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

4. 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.

5. 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.

O.A. ST. 452/2022 (Varaha P. Mandale & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri V.U. Rathod, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Issue notice to the respondents, returnable on 22.4.2022.

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

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

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

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

- 7. S.O. to 22.4.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 290/2022 (Aasif Kalekhan Parsuwale Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Shri S.N. Lute, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. At the request of learned Counsel for the applicant, S.O. to 1.4.2022.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

O.A. NOS. 377, 378, 379, 381, 382, 565, 630, 660, 661, 988 ALL OF 2019 WITH O.A. NOS. 108/2020 & 109/2020 (Somnath A. Nande & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

S/shri V.S. Panpatte & R.C. Bramhankar, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Arguments of both the sides are heard and concluded. The matters are closed for orders.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 870/2019 (Dr. Devrao S. Dakhure Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Shri S.D. Joshi, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 1.4.2022. High on Board.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 148/2020 (Gorakhnath J. Bhalerao Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Arguments are heard. Reserved for orders.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 449/2020 (Yogesh M. Panchwatkar Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri N.E. Deshmukh, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. The learned Chief Presenting Officer submits that the present matter is allotted to Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer and today she is not available.

3. S.O. to 7.4.2022. **High on Board**.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 311/2021 (Shaikh Irfan Shaikh Zakir Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel holding for Smt. Suchita A. Dhongde, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned P.O. has sought time to file affidavit in reply. Due chances are already availed, however, in the interest of justice granted as a last chance.

3. S.O. to 20.4.2022. High on Board.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 408/2021 (Smt. Urmila M. Gaikwad Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Shri V.B. Wagh, learned Counsel for the applicant (**leave note**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 20.4.2022. High on Board.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 185/2016 (Lalu J. Pawara Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri G.R. Jadhav, learned Counsel holding for Shri A.S. Shelke, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned Counsel for respondent no. 4, are present. Shri C.V. Bhadhane, learned Counsel for respondent no. 3 (absent).

2. With the consent of both the sides, S.O. to 13.6.2022 for final hearing.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

O.A. NOS. 519 AND 534 BOTH OF 2018 (Vishwanath U. Choudhary & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri G.R. Jadhav, learned Counsel holding for Shri A.S. Shelke, learned Counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. With the consent of both the sides, S.O. to 13.6.2022 for final hearing.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 638/2018 (Shri Rajkumar D. Barwal Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022

ORAL ORDER :

Heard Shri B.V. Thombre, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that though he is eligible for being promoted to the post of Awal Karkoon his candidature has not been considered by the respondents. As against it, it is the contention of the respondents that the applicant has passed the Revenue Qualifying Examination on 29.11.2016. It is the further contention of the respondents that now the applicant has become entitled to be promoted to the post of Awal Karkoon; however unless the persons who have acquired eligibility prior to the applicant and who are senior to the applicant are promoted to the post of Awal Karkoon, the case of the applicant cannot be considered for promotion.

3. We see no error or any illegality in the decision taken by the respondents. The applicant has not disputed that he has passed the Revenue Qualifying Examination on

::-2-:: **0.A. NO. 638/2018**

29.11.2016. It is also not the case of the applicant that any person, who has passed the said examination after him, has been promoted or his case has been considered for promotion to the post of Awal Karkoon. In the circumstances, we see no merit in the case of the applicant. Hence, following order is passed :-

<u>O R D E R</u>

Original Application stands dismissed, however, without any order as to costs.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APPLICATION NO. 358/2020 (Smt. Vidya R. Bornare Vs. State of Maharashtra & Ors.) WITH ORIGINAL APPLICATION NO. 359/2020 (Gopinath S. Patil & Ors. Vs. State of Maharashtra & Ors.) WITH ORIGINAL APPLICATION NO. 362/2020 (Savita R. Rebhankar & Ors. Vs. State of Maharashtra & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Counsel holding for Shri Swapnil A. Deshmukh, learned Counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. In view of the fact that the issues involved in these Original Applications are identical and the identical relief is claimed by the applicants in these Original Applications, we have heard the common arguments in these applications and we deem it appropriate to decide these applications by common reasons.

3. Most of the facts are undisputed in the present matters. The applicants were appointed as Law Officers / Law Instructors in pursuance of the Government Resolution dated 15.9.2006 for imparting legal education to the trainee Police Officials at their induction training. The

::-2-:: <u>O.A. NO. 358/2020 & Ors.</u>

grievance of the applicants is that as per the aforesaid Government Resolution when the applicants were entitled to get 3^{rd} appointment for a period of 11 months, they have been deprived of the said right. In the circumstances, the applicants have prayed for the limited relief that they may be given the contractual appointment as mentioned in the Government Resolution for the 3^{rd} time.

4. The respondents have opposed the contentions raised in the Original Applications as well as prayers made therein. It is contended in the affidavit in reply filed on behalf of the respondents that during the period of corona pandemic training programmes were suspended for want of batches of trainees and no third appointment was therefore issued to the applicants. The second reason which has been assigned is that due to pandemic situation the Government has taken a decision to bring down revenue expenses and several financial curbs are introduced and no are, therefore, issued to these Law appointments Instructors. It is also contended that the applicants do not indefeasible right to claim the third possess the appointment.

5. Shri Avinash Deshmukh, learned Counsel holding for Shri Swapnil A. Deshmukh, learned Counsel appearing for the applicants submitted that now the training courses have commenced but the respondents are taking services

::-3-:: **O.A. NO. 358/2020 & Ors.**

of the in-service Police Officers for imparting training instead of availing the services of Law Instructors. The learned Counsel further submitted that insofar as another ground of imposition of financial restrictions by the Government to bring down the revenue expenses is concerned, the respondents themselves have clarified that the said restrictions are not applicable in the instant matter. The communication in that regard is brought to our notice. The learned Counsel further argued that in the year 2006 conscious decision was taken to appoint Law Instructors for imparting training to the Trainee Police Officers. The learned Counsel read out preamble of that G.R., which reads thus :-

"शासन निर्णय -

पेलीसांकडून दाखल होणारे खटले विधीवत दाखल व्हावेत, त्यांना वैधानिक सहाय्य मिळावे व गुन्हेगारांना शासन होऊन कायदा व सुव्यवस्था अधिक सक्षम व्हावी तसेच पोलीस प्रशिक्षण संस्थांमध्ये पोलीसांना कायदेविषयक प्रशिक्षण देणे सुलभ व्हावे म्हणून महासंचालक व पोलीस महानिरीक्षक, महाराष्ट्र राज्य व पोलीस आयुक्त, बूहन्मुंबई यांच्या आस्थापनेवर संदर्भाधीन दि. २९.८.२००६ च्या शासन निर्णयान्वये विधीविषयक अधिका-यांची ४७९ पदे निर्माण करण्यात आलेली आहेत."

The learned Counsel further submitted that with aforesaid object, 471 posts were created and since 2016 in regular course appointments were issued and almost all appointees got 3 chances and some were after having gone through the selection process were again appointed as Law Instructors. The learned Counsel submitted that in the written statement filed on behalf of the respondents it is not the case of the respondents that the applicants are not

::-4-:: <u>O.A. NO. 358/2020 & Ors.</u>

competent or their services were unsatisfactory and hence were not given the 3rd appointment. According to the learned Counsel, in the circumstances, if G.R. and more particularly clause (B) thereof is read in its true sprit it gives right to the applicants of getting 3 chances as mentioned in such G.R. The learned counsel, in the circumstances, prayed for allowing present O.As. filed by the applicants.

6. The learned Presenting Officer reiterated the contentions as raised in the affidavit in reply. His entire thrust was on the issue that there is no vested right or in other words as of right the applicants cannot insist for getting 3rd appointment as even in the concerned G.R. there is no such mandate. The learned Presenting Officer further submitted that the respondents have now decided to impart training through the in-service Police Officers and hence the services of the applicants are no more required. The learned Presenting Officer therefore prayed for dismissal of these Original Applications being devoid of merit.

7. We have considered the submissions advanced by the learned Counsel appearing for the applicants and the learned Presenting Officer appearing for the respondents. Government Resolution dated 15.9.2006 is the most material document in the present matter. We have

::-5-:: **O.A. NO. 358/2020 & Ors.**

reproduced the preamble of the said G.R. hereinbefore. Therefore, there shall not be any doubt that conscious policy decision was taken to appoint the Officers having Law degree, on different posts one of which it is Law Instructors for imparting training to the Trainee Police Personnel. It is not disputed that these applicants were initially given appointment for 11 months and were also given second appointment for the same period. Clause (B) of the said G.R. reads thus :-

"(ब) सदर नेमणुका या करार पध्वतीने प्रथमतः ११ महिन्यांसाठी करण्यात याव्यात. ११ महिन्यांनंतर आवश्यक असल्यास करारनाम्याची मुदत वेळोवेळी वाढविता येईल. तथापि, अशी मुदत वाढवितांना एकावेळी ही मुदत १९ महिन्यांपेक्षा अधिकअसणार नाही याची काळजी नियुक्ती प्राधिकारी घेईल. अशा प्रकारे जास्तीत जास्त ३ वेळा नियुक्ती करता येईल. त्यानंतर अशा उमेदवारांची पुनश्च नियुक्ती करणे आवश्यक आहे असे सक्षम प्राधिका-याचे मत झाल्यास त्या उमेदवारास पुनश्च निवड प्रक्रियेस सामोरे जावे लागेल."

The contents of the aforesaid clause may not be interpreted to mean that 3 opportunities or 3 appointments are to be given as of right, but as has been submitted by the learned Counsel for the applicants, if the purpose behind making such appointment as is revealed from the preamble of the G.R. is considered and practice followed till date is taken into account, a reasonable inference can be drawn that unless there is some adverse circumstance for which the particular candidate cannot be appointed, in ordinary course the respondents are not supposed to deviate from the provision as has been made of giving 3 appointments, each for 11 months, to the Law Instructors. In the present

::-6-:: **O.A. NO. 358/2020 & Ors.**

applications, as we have noted hereinabove it is not the case of the respondents that there is anything adverse against the applicants because of which appointments are not given to the applicants. The reasons as are assigned in the affidavit in reply, first that there are no training programmes and other that there are financial restrictions; now cannot be pressed by the respondents as training programmes have now commenced and as is revealing from the communication dated 10.11.2021 under signature of the Special Inspector General of Police (Establishment) there may not be any impediment for incurring expenses for paying salary of these Law Instructors.

8. After having considered the facts as aforesaid, it appears to us that, though we may not issue any mandate to the respondents to issue appointments to all these applicants, we deem it appropriate to advise the respondents that when conscious policy decision has been taken by them to avail services of the Law Officers like the applicants for imparting legal education to the Police Trainee persons, they shall abide by the decision taken by them, and as such, we hope and trust that the respondents will take the reasoned decision as early as possible, preferable within the period of 2 weeks, in premise of the fact that training has already commenced, so that the object behind G.R. dated 15.9.2006 is not defeated.

::-7-:: **O.A. NO. 358/2020 & Ors.**

9. With the above observations, all these Original Applications are disposed of with no order as to costs.

MEMBER (A) ARJ ORAL ORDERS 30.3.2022

ORIGINAL APLICATION NO. 147 OF 2016 (Kiran K. Pawankar Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Heard Shri Mohit R. Deshmukh, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. When the present Original Application is taken up for consideration, learned Presenting Officer has tendered across the bar additional affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the other side.

3. In view of the objection raised in the aforesaid additional affidavit in reply, learned counsel appearing for the applicant seeks leave of this Tribunal to amend the Original Application, thereby substituting the name of respondent No. 3 by adding the Secretary of M. P. S. C. as party respondent instead of Chairman of M.P.S.C. Request is allowed. The necessary amendment be carried out forthwith.

4. S.O. to 26.4.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

ORIGINAL APLICATION NO. 311 OF 2019 (Rekha I. Manikhedkar Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Shri C.V. Dharurkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. At the request of learned counsel for the applicant, S.O. to 6.4.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

M.A.NO. 135/2022 IN O.A.NO. 282/2022 (Kedar S. Garad & Anr. Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

<u>DATE</u> : 30.3.2022 ORAL ORDER :

Heard Shri Amol B. Chalak, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The amendment is sought for brining on record subsequent events.

3. Learned Chief Presenting Officer submitted for passing appropriate orders.

4. We have gone through the contents of the amendment application. It does not appear to us that the nature of the application or the prayers made in the O.A. will be materially affected by the amendment sought to be made. We are, therefore, inclined to allow the amendment application. Hence, the following order: -

<u>O R D E R</u>

(i) The amendment application stands allowed.

(ii) The necessary amendment be carried out within a week.

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

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

ORIGINAL APPLICATION NO. 282 OF 2022 (Kedar S. Garad & Anr. Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Heard Shri Amol B. Chalak, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is the case of the applicants that the selection condition/criteria has been changed midstream during the selection process. Learned Chief Presenting Officer has sought time for filing affidavit in reply.

3. It is the contention of the applicants that the list of candidates eligible for recommendation has been published and the respondents are likely to issue the order of appointments on the basis of the said recommendation. Learned counsel, in the circumstances, has prayed for interim order restraining the respondents from making appointments on the basis of the list of candidates eligible for recommendation published on 25.3.2022. On such request made by the learned counsel appearing for the applicant, learned C.P.O. submitted that till filing of the affidavit in reply by the respondents, no appointments will be made by the respondents, though recommendation list has been declared.

:: - 2 - :: O.A. NO. 282 OF 2022

4. In view of the aforesaid statement made by the learned C.P.O., we need not to pass any formal interim order as has been prayed by the learned counsel appearing for the applicants.

5. S.O. to 8.4.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

ORIGINAL APPLICATION NO. 736 OF 2012 (Devidas R. Jadhav Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)

DATE : 30.3.2022

ORAL ORDER :

Shri Sudhir Patil, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. When the present case is taken up for hearing no one has caused appearance for the applicant. The record further shows that the learned counsel for the applicant is attending the present case till last date. In the circumstances, in the interest of justice, S.O. to 12.4.2022.

MEMBER (A)

MEMBER (J)

ORAL ORDERS 30.3.2022-HDD

ORIGINAL APPLICATION NO. 201 OF 2016 (Sayyed Habib Sayyed Abdul & Ors. Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Shri V.B. Wagh, learned counsel for the applicants has filed leave note. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 5.5.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

O.A.NOS. 829/2018 & 96/2020 (Kiran P. Prabhakar Kolte & Ors. Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Shri S.B. Talekar, learned counsel for the applicants (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents in both the cases, is present.

2. Since nobody appears for the applicants, S.O. to 29.4.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

ORIGINAL APPLICATION NO. 178 OF 2016 (Deorao R. Jondhale Vs. State of Maha. & Ors.)

- <u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A)
- DATE : 30.3.2022

ORAL ORDER :

Shri V.S. Panpatte, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. By consent of both the parties, S.O. to 9.6.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

ORIGINAL APPLICATION NO. 263 OF 2020 (Ravindra M. Kamble Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Shri V.B. Wagh, learned counsel for the applicants has filed leave note. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. In view of leave note filed by the learned counsel for the applicant, S.O. to 20.4.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

ORIGINAL APPLICATION NO. 297 OF 2019 (Balaji M. Shinde & Ors. Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Shri Deepak S. Manorkar, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1, are present. Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 (absent).

2. S.O. to 14.6.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD

ORIGINAL APPLICATION NO. 416 OF 2019 (Arjun M. Maskar & Anr. Vs. State of Maha. & Ors.)

<u>CORAM</u>: Hon'ble Justice Shri P.R. Bora, Member (J) AND Hon'ble Shri Bijay Kumar, Member (A) <u>DATE</u>: 30.3.2022 <u>ORAL ORDER</u>:

Shri K.C. Sonone, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicants, Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent No. 1 and Shri S.D. Dhongde, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 14.6.2022.

MEMBER (A) ORAL ORDERS 30.3.2022-HDD