

ORIGINAL APPLICATION NO.71/2024
(Dr. Dadasaheb W. Salunke Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

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

2. The applicant retired as Group-B Medical Officer on 31-08-2023. It is the case of the applicant that, vide decision rendered by the Tribunal on 04-01-2022 in O.A.No.469/2012 with the connected O.A. all the District Technical Service Medical Officers placed in Group-B were held eligible and entitled to recruitment to Group-A from the date of G.R. dated 18-07-2013 when the Rules were amended. It is the contention of the applicant that, on the date of his retirement, the applicant was thus entitled to be a Group-A officer and was also entitled for other benefits to such Group-A officers. In the circumstances, prayer has been made for grant of interim relief thereby to direct the respondents to reinstate the applicant and allow him to work till he

attains the age of 60 years or till decision of the O.A., whichever may occur earlier.

3. Learned P.O. opposed for granting any such relief. It is brought to our notice that after retirement of the applicant on 31-08-2023 though the decision in this regard was declared on 04-01-2022, the applicant did not promptly approach this Tribunal and in the meanwhile circumstances have changed. Learned P.O. has submitted that in such circumstances, Division Bench of the Hon'ble Bombay High Court Bench at Nagpur has observed that in such matters the applicant if ultimately succeeds, would be entitled to all benefits flowing from such order. Learned P.O. submits that, in the circumstances, order of reinstatement at the interim stage may not be passed.

4. We have duly considered the submissions made on behalf of the applicant as well as the respondents. It is not in dispute that the applicant retired on 31-08-2023 as a Group-B officer. From the orders which are placed on record, there is reason to believe that applicant was entitled to be absorbed as Group-A officer. Government has on

the basis of decision rendered by this Tribunal referred hereinabove issued notification dated 03-01-2024. Learned Counsel submits that only thereafter the applicant had some cause of action to approach this Tribunal. In view of the fact that the applicant has already retired, at this stage, it will be unjust to direct respondents to reinstate the applicant as Group-A officer. If ultimately the applicant succeeds, he will be entitled to all monetary benefits as observed by the Hon'ble High Court in Writ Petition No.733/2024. In the circumstances, we are not inclined to grant any interim relief in the present matter.

5. Hence, issue notice to respondents, returnable on 08-07-2024.

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 S.O. to 08-07-2024.

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

MEMBER (A)

YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.610/2023
(Shridhar R. Kundatwad Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri R.D.Biradar, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned Counsel has filed affidavit in rejoinder on behalf of the applicant. It is taken on record. Copy thereof be provided to the learned P.O.

3. S.O. to 08-07-2024.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.35/2024
(Asha J. Dewang Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

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

2. Learned P.O. submitted affidavit in reply on behalf of respondent no.3. Same is taken on record. Copy thereof be supplied to the other side. Learned P.O. submits that no separate reply may be necessary of other respondents. Remaining respondent authorities are adopting the reply submitted on behalf of respondent no.3.

3. Hence, list the case for hearing on 20-06-2024.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.215/2023 & 300/2023
(Ratnadeep R. Jawalgekar Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 30.04.2024

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant and Shri Ajay Deshpande, learned Special Counsel for the respondent authorities, are present.

2. Not on board. Taken on board. Written submissions along with one order passed by the Tribunal are tendered by the learned Special Counsel for respondents. Copies thereof are given to the learned Counsel for the applicant.

3. Keep the matter on 02-05-2024 to hear learned Counsel for the applicant on the written submissions made today by the learned Special Counsel.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

M.A.NO.504/2023 IN O.A.NO.579/2021
(Sunanda P. Khobragade @ Sunanda P. Shended Vs. Siddharth R. Pandurnikar & State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri A.S.Shelke, learned Counsel for the applicant in M.A., Shri Ajay Deshpande, learned Counsel for the applicant in O.A. and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

Shailendra S. Kulkarni, learned Counsel for respondent no.4 in O.A. is **absent**.

2. Present M.A. is filed seeking intervention in O.A. It is the contention of the applicant that she possesses the degree as prescribed in the advertisement and that is the only appropriate qualification according to her. It is her apprehension that if any order is passed in the O.A. will prejudicially affect her interest, hence according to her she must participate in the present proceedings. Hence, request is made by the applicant to allow her M.A. for intervention.

=2= M.A.NO.504/2023 IN O.A.NO.579/2021

3. Learned P.O. opposed for granting intervention.

4. After having considered the submissions of learned Counsel for the applicant in M.A., applicant has made out case for allowing intervention. Hence, the M.A. for intervention deserves to be allowed. Accordingly, it is allowed and disposed of.

5. Name of the present applicant be added as party respondent in the O.A. within 2 weeks from the date of this order. Learned Counsel for the applicant submits that he will file reply to the O.A. on the next date.

6. O.A. to come up on 18-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

M.A.NO.176/2024 IN O.A.ST.NO.801/2024
(Arjun G. Gayakwad & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri Majit S. Shaikh, learned Counsel for the applicants and Shri V.G.Pingle, learned 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, to avoid the multiplicity of litigation 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)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

O.A.ST.NO.801/2024

(Arjun G. Gayakwad & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri Majit S. Shaikh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. S.O. to 03-05-2024.

MEMBER (A)

YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.494/2024
(Dr. Ravindra P. Galphade Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri V.P.Kadam, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 10.07.2024.
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 10.07.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.235/2024
(Nilesh D. Mahajan Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri J.S.Deshmukh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. In the present matter, in the order passed on 20-03-2024 though it has been stated that the affidavit in reply has been filed on behalf of respondent nos.1 to 4, the said reply was not filed in the present matter but was to be filed in O.A.No.77/2024, which was also on the board on the said date. It is, therefore, clarified that in the present matter, respondents have not yet filed the affidavit in reply. Hence, this reply be kept in O.A.No.77/2024. Learned P.O. to provide copy of the same to the other side.

3. On request of learned Counsel for the applicant, issue notice to respondents, returnable on 10.07.2024.

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

5. 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.

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

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

8. S.O. to 10.07.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.941/2018
(Dr. Neeta Kaluram Hatkar Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Arguments are concluded. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.120/2024
(Machindra Maruti Mane Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri H.P.Jadhav, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities.

2. Arguments are concluded. Reserved for order.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.685/2019
(Shivaji Rajaram Thakare Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri Ashish Rajkar, learned Counsel holding for Shri S.D.Joshi, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.412/2022
(Ompakash Kothari Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant, Shri V.G.Pingle, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned Counsel for respondent no.4, are present.

2. S.O. to 13-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.468/2022
(Smita Ingle Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Ms. Vishakha Patil, learned Counsel holding for Shri S.B.Talekar, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.487/2022 & 488/2022
(Rajesh Gangurde & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)**

DATE : 30.04.2024

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicants and Shri V.G.Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.754/2022
(Akash Kumar Chougule Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri S.B.Solanke, learned Counsel holding for
Shri S.S.Thombre, learned Counsel for the applicant
and Shri V.G.Pingle, learned Presenting Officer for
the respondent authorities, are present.

2. S.O. to 13-06-2024. Interim relief granted
earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

M.A.ST.NO.266/2024 IN O.A.NO.805/2023
(Shaikh Rafeek Gabru & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Ms. Vishakha Patil, learned Counsel holding for Shri S.B.Talekar, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 14-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.794/2022
(Ishwar S. Survase Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri S.B.Solanke, learned Counsel holding for
Shri S.S.Thombre, learned Counsel for the applicant
and Shri V.R.Bhumkar, learned Presenting Officer
for the respondent authorities, are present.

2. S.O. to 10-06-2024. Interim relief granted
earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 30.04.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 259/2021

(Megharani P. Tarkase & Ors. vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Smt. Vinaya Mule, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant (**present**).

2. Not on Board. Taken on Board.

3. Learned counsel for the applicant tenders across the bar the pursis showing the current status of the vacancies. The same is taken on record and copies thereof are given to all the concerned.

4. The matter is already reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 48/2024

(Dr. Dadasaheb W. Salunke vs. the State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 61/2024

(Dr. Dadasaheb W. Salunke vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the matters.

2. When these matters are taken up for consideration the learned Presenting Officer tendered the copy of an order passed by the Division Bench of Hon'ble Bombay High Court, Bench at Nagpur in writ petition No. 753/2024 dated 31.1.2024 and prayed for vacating the interim relief granted in the present O.As. in view of the said order. The learned counsel for the applicants also has placed on record the copies of 02 orders first in W.P. no. 1416/2024 by the Division Bench of Hon'ble Bombay High Court at principal seat on 31.1.2024 and the other W.P. no. 463/2024 passed by

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O.A. NO. 48/2024

the D.B. of Hon'ble Bombay High Court at principal seat at Mumbai on 1.2.2024.

3. We have gone through the aforesaid orders. Nagpur Bench of Hon'ble Bombay High Court has not entertained the request for interim relief, however, principal seat of Hon'ble Bombay High Court has considered the request and accordingly granted interim relief in favour of the petitioners therein. In the circumstances, the respondents shall file their affidavit in reply so that the matters can be considered on merits.

4. S.O. 10.6.2024.

5. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 30.04.2024

C.P. ST. 825/2024 IN O.A. 805/2023

(Sarjerao Kharat & Ors. vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Smt. Vishakha Patil, learned counsel holding for Shri S.B. Talekar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. Leave sought for correcting the name and designation of respondent no. 03. Leave granted as prayed for. Corrections be carried out forthwith.

3. For the time being issue simple notice to respondent no. 03, returnable on 4.7.2024.

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

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

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

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

8. S.O. to 4.7.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION ST. NO. 2247/2023
(Kaka B. Waghmare vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

None appears for the applicant. Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 12.7.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 30.04.2024

C.P. NO. 11/2024 IN O.A. NO. 372/2019
(Dr. Sanjay V. Deshpande vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant (**leave note**). Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 7.5.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 04/2024
(Savita S. Birge vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

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. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent no. 01. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 8.7.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 78/2024
(Sandu R. Magar Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri D.K. Dagadkhair, learned counsel for the applicant (**absent**). Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent no. 06. It is taken on record. He undertook to supply copy of reply to learned counsel for the applicant.

3. S.O. to 8.7.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 493/2024
(Maroti S. Somwad vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri Nikhil Sonowane, learned counsel holding for Shri C.R. Thorat, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 13.6.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 30.04.2024

M.A. NO. 140/2024 IN O.A. NO. 307/2024
(Pravin D. Chaware & Ors. Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

None appears for the applicant. Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, Shri V.B. Wagh, learned counsel for respondent nos. 5, 6, 14, 16 & 17 and Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for respondent nos. 4, 8, 9, 11 & 15, are present.

2. Smt. Vishakha Patil, learned counsel submits that she is under instructions to appear in this matter on behalf of the applicant. She is filing her V.P. in the office today itself.

3. Misc. Application is filed with an object to bring on record the information as about the representation decided by the respondents in the meanwhile period. In that context some more grounds are raised and contextual prayer has also

::-2-:: **M.A. NO. 140/2024 IN**
O.A. NO. 307/2024

been added. Learned counsel for the applicant has prayed for allowing the amendment, which is in consonance with the subject matter.

4. The learned Chief Presenting Officer appearing for the state authorities submits for passing appropriate orders. Shri Saket Joshi, learned counsel holding for Shri Avinash S.Deshmukh, learned counsel appearing for respondent nos. 5, 8, 9, 11 & 15 had made same submission.

5. Having gone through the amendment application it appears to us that the amendment sought is in respect of the events, which had occurred subsequent to filing of O.A. Moreover, till the date none of the respondent has yet filed affidavit in reply to the O.A. In the circumstances, we are inclined to allow the Amendment Application. Hence, the following order :-

ORDER

(i) The amendment application is allowed.

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**M.A. NO. 140/2024 IN
O.A. NO. 307/2024**

(ii) The amendment as sought for be carried out within one week from the date of this order and copy of the amended O.A. be supplied to the other side.

(iii) It would be open for the respondents to submit their affidavit in reply to the amended portion of the O.A.

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

(v) O.A. to come on board on 10.06.2024 for filing reply by the respondents in O.A.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 408/2024

(Dr. Bhushankumar A. Ramteke Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 409/2024

(Dr. Satish R. Runwal Vs. The State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 497/2024

(Dr. Mohammed Abdul Rahman Mohammad Murtuza Vs. The State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants in all these matters and S/shri M.B. Bharaswadkar & V.R. Bhumkar, learned Chief Presenting Officer & Presenting Officer for the respondent authorities in respective matters.

2. The applicants have filed the present Original Applications seeking continuation in service till they attain age of 60 years as provided under amended rules of 2022. Learned counsel for the applicants pointed out that rule 10 of the M.C.S. (Pension) Rules, 1982 suffered amendment thrice and initially age of retirement was enhanced from 58 to 60 years, thereafter it was extended up to 62 years and

thereafter it was again brought to 58 years. Learned counsel for the applicant further submitted that as per the aforesaid circular and the amendment proposed had the present applicants completed the age of 58 years any time before 31.05.2023 they would have been given the benefit to remain in service till attaining the age of 60 years. According to learned counsel, it was discriminatory and in the circumstances prayer has been made to grant interim relief thereby directing the respondents to continue the applicants to work till they attain age of 60 years or till the decision of the present original applications whichever may occur earlier.

3. The request made by the learned counsel appearing for the applicants is strongly opposed by the learned Chief Presenting Officer. Learned C.P.O. has relied upon the order passed by Hon'ble Division Bench of Bombay High Court, Bench at Nagpur in Writ Petition No. 753/2024 on 31.01.2024. Learned C.P.O. has brought to our notice that since the benefit under Rule 10 has remained in force till 31.03.2023 and now same has ceased to operate, no interim relief can be granted in favour of the applicants.

4. Learned counsel for the applicants placed on record the order passed by the Division Bench of Hon'ble Bombay High Court at Principal Seat in W.P. No. 1416/2024 passed on 31.01.2024, as well as, in W.P. No. 463/2024 passed on 01.02.2024, wherein the Hon'ble High Court has protected the services of the petitioners therein till they attain the age of 60 years or till the petition is decided whichever may occur earlier.

5. We have considered the submissions made on behalf of the applicants. We have also gone through the documents placed on record, as well as, judgments relied upon by the parties. In both the orders, one passed by Nagpur Bench and another at Principal Seat of Hon'ble Bombay High Court, Their Lordships have referred to the order passed by the Hon'ble High Court in W.P. No. 11453/2023 on 05.10.2023. Hon'ble Nagpur Bench of Hon'ble Bombay High Court has observed that the facts in the W.P. No. 11453/2023 cannot be said to be similar to that of the facts in the case before the said Bench, whereas Hon'ble Division Bench at Principal Seat of Bombay High Court has held the facts before

it akin to the facts which existed in W.P. No. 11453/2023 and accordingly has granted same relief which was granted in W.P. No. 11453/2023.

6. After having gone through the pleadings in these OAs we find that the facts which are existing in the present OAs are identical to the facts which existed in W.P. No. 11453/2023. As per the interpretation made of the notification dated 23.02.2022 by the Finance Department of the State, the Medical Officers who do not attain the age of 60 years during the period from 01.06.2022 to 31.05.2023 shall be deemed to retire on the last day of the month in which Medical Officer attains the age of 60 years that is to say the Medical Officers who will complete 58 years of age on 24.04.2023 will retire on 30.04.2025 instead of retiring on 31.05.2023, whereas the Medical Officers, who will complete 58 years of age on 24.06.2023 will however, retire on 30.06.2023 as per the original provision of Rule 10 of the M.C.S. (Pension) Rules, 1982. In the instant matters also if we take the case of the applicant in O.A. No. 408/2024 he is completing the age of 58 years today i.e. on

30.04.2024 and he, therefore, apprehends that he would be retired on attaining the age of superannuation. Learned counsel for the applicant submitted that, had this applicant completed the age of 58 years in the previous year i.e. on 30.04.2023 as per the Notification dated 23.02.2022 he would have been permitted to serve till he completes the age of 60 years. Learned counsel pointed out that this anomaly has been taken into account by the Hon'ble Division Bench of Bombay High Court while passing order in W.P. No. 11453/2023. He, therefore, prayed for the interim relief as prayed in the O.As. Learned counsel pointed out that insofar as the applicants in O.A. Nos. 409/2024 and 497/2024 are concerned, the said applicants would also be retired at the end of this month at the age of 58 years, if no interim relief is granted in their favour.

7. Learned C.P.O. submitted that no prejudice or loss is going to be caused to the applicants if the interim relief is not granted in their favour as if these applicants ultimately succeed they will be entitled for the monetary benefits of the entire past period.

Learned C.P.O. invited our attention to the observations made in paragraph 9 of the order passed in W.P. No. 463/2024. In the circumstances, it was the contention of the learned C.P.O. that there is no case for grant of interim relief.

8. We have noted hereinabove that Nagpur Bench of Hon'ble Bombay High Court declined the interim relief by observing that the facts in the W.P. before the said Bench were not similar to the facts which existed in W.P. No. 11453/2023. After having gone through the pleadings of the parties, we have earlier noted that the facts which existed in the present matter are identical to the facts which existed in W.P. No. 11453/2023. Further, we find *prima facie* substance in the submissions made on behalf of these applicants that had they completed the age of 58 years prior to 01 year i.e. on 30.04.2023, they would have got the benefit of the enhancement in age and must have been allowed to work till age of 60 years i.e. till 30.04.2025. Moreover, it further appears to us that only on the ground that if the applicants ultimately succeed in substantiating their claim they would get all the monetary benefits, it

would be unjust to reject the prayer of interim relief made by the applicants. It has to be stated that in the orders passed by the Tribunal in similar matters it has been clarified that if the applicants fail to substantiate their claim it would be open for the respondents to pass necessary orders in respect of the recovery of the wages paid to them for the service rendered under the interim orders passed by the Tribunal. According to us, this could be the better option.

9. The applicants have claimed the continuation in service till they attain the age of 60 years on the basis of G.R. dated 23.02.2022. The amendment brought vide the said Notification is under challenge in the petitions before the Hon'ble Bombay High Court. It appears to us that if the aforesaid Notification is read and accepted as it is, it can extend the benefit of continuation in service till 31.05.2025 and not beyond that. Of course, if the matter before the Hon'ble High Court is decided before the said date, the decision which may be rendered by the Hon'ble High Court will be binding

on all concern. In the circumstances, we deem it appropriate to pass the following order: -

ORDER

(i) Issue notice to the respondents, returnable on 25.06.2024.

(ii) The respondents shall continue the present applicants in service till 31.05.2025 or till decision in the present OAs. whichever occurs earlier.

(iii) We make it clear that the continuation of the present applicants till 31.05.2025 will be subject to the outcome of the present O.As. The question of the Respondents' power, in case the applicants fail in their challenge, to pass necessary orders in respect of recovery/adjustment of the pay/wages paid to them for the services rendered under the interim order, is kept open. Similarly, the question of continuation of the applicants beyond 31.05.2025 till they attain the age of 60 years is also kept open.

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

(v) 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.

(vi) 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.

(vii) 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.

(viii) S.O. to 25.06.2024.

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

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 166/2024 IN O.A. 1118/2023
(Kiran N. Khandare vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri S.P. Dhobale, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. By filing the present M.A. the applicant seeks leave to place on record some additional information pertaining to the issue raised in the O.A.

3. For the reasons stated in the Misc. Application it is allowed without any costs. The additional information provided by the learned counsel be taken on record.

4. O.A. to come on board on 3.7.2024.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.563/2023 IN O.A.NO.526/2023

(Angad R. Shinde Vs. State of Maharashtra & Ors.)

O.A.NOS.1037, 1038, 1055 TO 1067, 1072 TO 1075 ALL OF 2023

(Sanjay S. Patil & Ors. Vs. State of Maharashtra & Ors.)

O.A.NO.757/2023

(Yashwant Katkar & Anr. Vs. State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri R.P.Bhumkar, learned Counsel for the applicant in M.A. NO.563/2023 (**absent**). Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri U.L.Momale, learned Counsel for applicant in O.A.526/23, are present.

Shri U.L.Momale, learned Counsel for the applicants in O.A.No.1037, 1038, 1055 TO 1067, 1072 TO 1075 ALL OF 2023 & Ors. & 757/2023 and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. When the present group of matters is taken up for consideration, the learned CPO informed that para-wise remarks have already been received and on the basis of the same affidavit in replies also have

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**M.A.NO.563/23 IN
O.A.NO.526/2023 & ORS.**

been prepared and 03 such affidavits are required to be filed having considered the subject matter involved in the matters. The learned CPO in the circumstances, prayed for 02 weeks' time to submit the said affidavits. Time granted as prayed for.

3. S.O. to 11-06-2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 347/2024
(Harishkumar E. Pane vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. sought time for filing affidavit in reply. Time granted.

3. S.O. to 19.6.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 186/2024
(Shamrao A. Gite vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Smt. Vinaya Muley, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. sought time for filing affidavit in reply. Time granted.

3. S.O. to 26.6.2024.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1021/2022
(Madhav K. Khaire vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND
Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

Smt. Vinaya Muley, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. sought time for filing affidavit in reply. Time granted.

3. S.O. to 26.6.2024.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 812 OF 2023
(Dr. Ravindra Kishanrao Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Heard Shri S.V. Suryawanshi, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits rejoinder affidavit. Same is taken on record and copy thereof is already given to learned Presenting Officer.

3. Learned counsel for the applicant on instructions seeks leave to withdraw the present Original Application with liberty to the applicant to file an application for transfer of his choice in the Annual General Transfers of the year 2024.

4. Learned Presenting Officer submits that if this Tribunal permits the applicant to file such a request application by exercising his options, the respondent authorities may be directed to consider the same on its own merit in accordance with law.

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O.A. No. 812/2023

5. Leave granted. The Original Application is disposed of as withdrawn with liberty to the applicant to file appropriate representation / application before the respondent authorities in the ensuing Annual General Transfers of the year 2024 by exercising options of his choice to the stations and on filing such representation, the respondent authorities shall consider the same on its own merits in accordance with law. The Original Application is accordingly disposed of. There shall be no order as to costs.

MEMBER (J)

KPB ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 713 OF 2023
(Dr. Waman N. Bahatre Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 08.05.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 21 OF 2024
(Rameshwar B. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Heard Shri H.P. Jadhav, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Part heard.

3. By consent of both the parties, S.O. to 21.06.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2024
(Madhukar R. More Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

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

2. At the request of learned Presenting Officer, S.O. to 06.05.2024 for hearing.

MEMBER (J)

O.A. Nos. 324, 325, 326, 327, 328, 329 & 330 all of 2024

(Dr. Manohar T. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri Dilip Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. Shri Dilip Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicants seeks short adjournment for the reason that learned counsel Shri S.D. Joshi is appearing in some other matters before the Hon'ble High Court, Bench at Aurangabad. Adjournment granted.

3. S.O. to 02.05.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 488 OF 2019
(Shaikh Ajmal Shaikh Abdulla Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri Kunal Kale, learned counsel for the applicant (**Absent**). Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. This is old matter of the year 2019. As none present for the applicant, S.O. to 09.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 102 OF 2022
(Sumitrabai V. Adke & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri D.G. Kamble, learned counsel for the applicants (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicants, S.O. to 08.07.2024 for hearing.

MEMBER (J)

Later on :-

3. Learned counsel for the applicants is present.

4. Learned Presenting Officer has pointed out that in the affidavit in reply filed on behalf of respondent No. 3, it is stated that the applicant No. 11 viz. Pandurang Kishanrao Sarode and applicant No. 12 viz. Gajanan Bhanudas Pawar had previously filed O.A. No. 756/2021 before this Tribunal and the said O.A. is pending for final adjudication, wherein the same relief is sought by the above applicants.

5. Office to place the said O.A. No. 756/2021 before this Tribunal on the next date of hearing.

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O.A. No. 102/2022

6. All the applicants are hereby directed to comply with the order dated 16.10.2023 passed by this Tribunal on or before the next date of hearing.

7. S.O. to 18.06.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 30.04.2024

T.A.NO. 11 OF 2024 (W.P.NO. 1563 OF 2024)
(Raju A. Sanap & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Smt. Sunita G. Sonawane, learned counsel for the applicants, is **absent**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 28.06.2024.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 431 OF 2024
(Vitthal K. Bhusare Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri J.S. Deshmuk, 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 P.O., S.O. to 07.05.2024 for taking specific instructions from the concerned respondent/s.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

**M.A.NO. 245/2023 IN M.A.138/2023 IN O.A.NO. 1157/2022
(Smita M. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

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

2. Learned P.O. seeks time to file additional affidavit in reply. Time granted.

3. S.O. to 19.06.2024 for hearing. The interim relief granted earlier in O.A., if any to continue till then.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 1056 OF 2019
(Rajkumar D. Malshetwar Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri A.D. Kotkar, learned counsel holding for Shri Amit A. Mukhedkar, 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 05.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 197 OF 2023
(Dnyanoba L. Dahiphale Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that he has not received the copy of the reply filed on behalf of respondent Nos. 1 to 4.

3. Learned counsel for the applicant further seeks time to file affidavit in rejoinder, if any.

4. S.O. to 28.06.2024 for filing affidavit in rejoinder, if any/for hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 468 OF 2023
(Dr. Prashant S. Shelar Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri J.S. Deshmuk, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

Shri Amol A. Kokad, learned counsel for respondent No.4, is present.

2. At the request of learned counsel for the applicant, S.O. to 05.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

**O.A.NOS. 531, 554, 557, 582, 632, 653, 830 AND 832 ALL OF 2023
(Vitthal K. Bhusare & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

S/Shri S.B. Patil, J.B. Choudhary, S.B. Mene, M.R. Kulkarni, respective learned counsel for the applicants in respective O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As., are present.

2. Learned counsel for the applicants submit that the similar issue is now raised before the principal bench of this Tribunal at Mumbai wherein the original record has been called.

3. Learned counsel for the applicants submit that the same matter is posted on 06.05.2024 for final hearing.

4. In view of above, S.O. to 07.05.2024 for hearing. Interim relief, if any, to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 617 OF 2023
(Shubhangi R. Bhoge Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri R.N. Bharaswadkar, 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 06.05.2024 for hearing.
3. The interim relief, if any, to continue till then.
4. On that date, if the matter is not worked out, the interim relief will be vacated.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 1025 OF 2023
(Sangita B. Lonari Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri N.N. Bhagwat, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.R. Wani, learned counsel holding for Shri G.V. Wani, leaned counsel for respondent No.4, are present.

2. By consent of parties, S.O. to 07.05.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 904 OF 2022
(Bharti N. Madavi (Donekar) Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri P.P. Deshmukh, learned counsel holding for Shri V.M. Maney, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. In compliance with the order dated 20.12.2023, learned P.O. submits the additional affidavit on behalf of respondent Nos. 2 & 3. The same is taken on record and copy thereof is given to learned counsel for the applicant today itself before this Tribunal.

3. Learned counsel for the applicant seeks time to go through the said additional affidavit and file rejoinder, if any. Time granted.

4. S.O. to 27.06.2024 for filing affidavit in rejoinder, if any/for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 89 OF 2020
(Madhukar G. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. At the request of learned P.O., S.O. to 02.05.2024 for further hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

**ORIGINAL APPLICATION NO. 417 OF 2023
(Chandrashekhar P. Nikam Vs. State of Maharashtra &
Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

Shri A.S. Deshmukh, learned counsel for the applicant, has filed a **leave note**. Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 03.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

**ORIGINAL APPLICATION NO. 1070 OF 2022
(Kishor J. Shinde Vs. State of Maharashtra & Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

Shri N.J. Patil, learned counsel for the applicant, is **absent**. Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Even on the last time also the applicant and his counsel remained absent. List the matter in the month of June as a last chance for hearing/passing of the order.

3. S.O. to 19.06.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 1032 OF 2022
(Bismilla D. Tadvi Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri A.M. Hajare, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Learned Presenting Officer seeks time to comply with the directions issued in the order passed by this Tribunal dated 16.01.2024. Time granted.

3. S.O. to 19.06.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 585 OF 2022
(Chandrasen V. Lahade Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. This is a part heard matter.

3. In view of absence of learned counsel for the applicant, S.O. to 09.05.2024 for further hearing.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 517 OF 2022
(Shital A. Gundewad Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri S.Y. Patil, learned counsel holding for Shri M.B. Kolpe, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned counsel for respondent Nos. 6 to 8, are present.

2. This is a part heard matter.

3. Learned counsel Shri K.B. Jadhav representing the respondent Nos. 6 to 8 submits that on the last date the said respondents have taken his no objection to engage another counsel. However, none present today for respondent Nos. 6 to 8.

4. In view of same, the appearance of learned counsel Shri K.B. Jadhav for respondent Nos. 6 to 8 stands discharged.

5. S.O. to 08.05.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 404 OF 2022
(Manesh D. Nagargoje Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

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

2. This is a part heard matter.

3. Learned Presenting Officer submits additional affidavit on behalf of respondent No.3 in answer to the documents produced on behalf of applicant on the last date. The same is taken on record and copy thereof is given to other side.

4. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder to this additional affidavit.

5. Hearing completed. The present matter is reserved for order.

MEMBER (J)

ORIGINAL APPLICATION NO. 495 OF 2024
(Shashikant Maganrao Ghoshir Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri K.B. Jadhavar/Shri M.D. Gite, learned counsel for the applicant, **absent.** and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 28.06.2024.

MEMBER (J)

**M.A.ST. 840/2024 IN M.A.ST. 841/2024 IN O.A.ST. 427/2024
(Govind N. Shitole died through L.Rs. Shivaji G. Shitole &
Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

Smt. Manish Deshmukh, learned counsel for the applicants, is **absent**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicants, S.O. to 19.06.2024.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

**M.A.ST.NO. 365 OF 2024 IN O.A.ST.NO. 172 OF 2024
(Dr. Surekha S. Totala Vs. State of Maharashtra & Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 09.05.2024.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

**ORIGINAL APPLICATION NO. 480 OF 2024
(Vikas D. Wagh Vs. State of Maharashtra & Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

Shri Bharat R. Warama, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that all the respondents have been duly served and the service affidavit will be filed during course of the day in the office.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 06.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 399 OF 2024
(Vijay L. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that all the respondents have been duly served and the service affidavit will be filed during course of the day in the office.

3. Learned C.P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 03.05.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 400 OF 2024
(Arun M. Lakwal Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

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

2. Learned counsel for the applicant submits that all the respondents have been duly served and the service affidavit will be filed during course of the day in the office.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 03.05.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 435 OF 2024
(Ganesh P. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

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

2. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 03.05.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 30.04.2024

ORIGINAL APPLICATION NO. 436 OF 2024
(Ashok R. Kashid Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri A.S. Deshmukh, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that all the respondents have been duly served and the service affidavit will be filed during course of the day in the office.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 03.05.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

ORIGINAL APPLICATION NO. 351 OF 2024
(Baliram J. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri Amol S. Sawant, 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 P.O., time granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 08.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 289 OF 2024
(Digambar B. Mate Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that all the respondents have been duly served and the service affidavit will be filed during course of the day in the office.

3. Learned P.O. seeks time to file affidavit in reply on behalf of respondents. Time granted.

4. S.O. to 08.05.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 754 OF 2023
(Ramesh N. Swami Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

ORAL ORDER :

Shri D.T. Devane, 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 respondent No. 3. The same is taken on record and copy thereof is given to other side.

3. Learned P.O. submits that the respondent Nos. 1 & 2 are adopting the affidavit in reply filed by respondent No.3.

4. List the matter for filing affidavit in rejoinder, if any and for hearing on 08.07.2024.

MEMBER (J)

**M.A.NO. 111/2024 IN M.A.NO. 112/2024 IN
O.A.ST.NO. 571/2024
(Babasaheb L. Chavan & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

Heard Shri A.S. Shelke, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants submits that both the applicants are from the same department and they are working on the daily wages at Social Forestry Range, Ambad.

3. For the reasons sated in the application and since the cause of action and relief claimed by both the applicants are same, 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)

**M.A.NO. 112 OF 2024 IN O.A.ST.NO. 571 OF 2024
(Babasaheb L. Chavan & Anr. Vs. State of Maharashtra &
Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

Heard Shri A.S. Shelke, learned counsel for the applicants and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 08.07.2024.

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.

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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 08.07.2024.

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

MEMBER (J)

SAS ORAL ORDER 30.04.2024

**M.A.NO. 158 OF 2024 IN O.A.NO. 147 OF 2021
(Ratnaprabha T. Hingade Vs. State of Maharashtra & Ors.)**

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

DATE : 30.04.2024

ORAL ORDER :

Heard Shri P.B. Rakhunde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits rejoinder to additional affidavit in reply filed by respondent No.5. The same is taken on record and copy thereof is given to learned P.O.

3. Learned Presenting Officer on the basis of additional affidavit filed on behalf of respondent No.5 submits that the applicant was appointed as Sweeper on purely temporary basis for specific period and he has been paid the wages as per the notification issued by the Industry, Energy and Labour Department dated 28.09.2010.

4. The respondents used to give break in service to the applicant and other daily wages workers from time to time as per the requirement of the work. Learned P.O. submits that the services of the applicant along with 5 other daily wages workers were discontinued from 31.03.2024 for the reason

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that their services are not required and as such, her services were discontinued by written order dated 18.03.2024. But the applicant refused to accept the said written order.

5. Learned P.O. submits that if the applicant submits fresh written application then the present respondent i.e. respondent No.5 is ready to consider the case of the applicant on daily wages as per the G.R. and in accordance with law.

6. In view of above, without prejudice to the contentions raised in the Original Application, the applicant is at liberty to file fresh application before the respondent No.5 and as agreed in paragraph No. 7 of the affidavit in reply, the respondent No.5 shall consider the case of the applicant on daily wages in terms of the G.R. and in accordance with law as expeditiously as possible preferably within two weeks from the date of this order.

7. By consent of both the sides, the Misc. Application seeking amendment shall be heard along with Original Application on 20.06.2024.

MEMBER (J)

T.A.NO. 25/2023 (W.P.NO. 14978/2023)
(Pramod Vasant Sonar Vs. the State of Maharashtra & Ors.)

CORAM : Justice Shri P.R. Bora, Vice Chairman
AND

Shri Vinay Kargaonkar, Member (A)

DATE : 30.04.2024

ORAL ORDER :

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

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

3. Learned counsel for the applicant seeks time to file rejoinder affidavit. Time granted.

4. S.O. to 08.05.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 30.04.2024-HDD

ORIGINAL APPLICATION NO. 296 OF 2024
(Pramod R. Bhingare & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 30.04.2024

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. Learned counsel for the applicant submits that in terms of order dated 13.01.2024, the applicant No.1 came to be transferred from the post of Police Sub-Inspector, Police Station, Virgaon to Pink Squad, Vaijapur and the applicant Nos. 2 & 3 respectively came to be transferred from the Police Station, Ajanta to Police, Kalyan Branch and Police Station M. Paithan to Traffic Branch respectively and as such, all of them were holding the non-executive post at the time of impugned order of transfer.

3. Learned Presenting Officer submits that in terms of paragraph No. 7 of the affidavit in reply, the submissions made on behalf of learned counsel for the applicants may be appropriate.

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4. However, on careful perusal of the paragraph No. 7 of the affidavit in reply it appears that the applicant No.1 namely Santosh Rangnath Kuklare is shown to have been working at Chha. Sambhajinagar rural since 01.09.2023 to 28.02.2024 as P.S.I. whereas applicant No.2 namely Pramod Rangnath Bhingare is shown to have been working at Chha. Sambhajinar rural since 23.09.2022 to 28.02.2024 as A.P.I. and applicant No.3 namely Dnyaneshwar Bhimraj Kuklare is shown to have been working from 23.12.2022 to 28.02.2024 at Chha. Sambhajinagar rural as A.P.I.

5. It thus appears that no effect has been given to the order dated 13.01.2024.

6. Learned P.O. is directed to take specific instructions in this regard and file the affidavit supported by the relevant documents.

7. S.O. to 07.05.2024 for hearing **in urgent admission category**.

MEMBER (J)