

ORIGINAL APPLICATION NO. 311 OF 2020
(Shri Kiran S. Pawar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

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

2. The applicant has challenged the suspension order dated 28/29.07.2020 by filing the present Original Application.

3. Learned Advocate for the applicant has submitted that the impugned order is illegal and therefore, he has prayed to quash and set aside the impugned order and to reinstate the applicant in the service. He has submitted that the Tribunal can entertain the application, even if the applicant has availed the alternate remedy available to him under Service Rules. In support of his submissions he has placed reliance on the judgment delivered by the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad in case of **Sureshsing Kunusing Taji Vs. The State of Maharashtra and Anr.** in **W.P. No. 8137/2014**, the Judgment of Hon'ble Supreme Court in case of **M.P. State Agro Industries Development Corpn. Ltd. and Anr. Vs. Jahan Khan** reported in

//2//

O.A. No. 311/2020

(2007) 10 Supreme Court cases 88 and the judgment of principal seat of this Tribunal at Mumbai in **O.A. No. 210/2020** in case of **Shri Sukhdev Torappa Khandekar Vs. The Divisional Joint Director of Agriculture, Kolhapur** decided on 23.06.2020.

4. Learned Presenting Officer has submitted that the facts mentioned in the above cited decisions referred by the learned Advocate for the applicant are not identical with the facts in the present case and therefore, the said decisions are not applicable in the present case. He has submitted that the applicant has challenged the suspension order before the appellate authority by preferring an appeal and representations in view of the provisions of Section 20 of the Administrative Tribunal Act, 1985 and therefore, the present O.A. cannot be entertained.

5. On perusal of the record, it reveals that the impugned order has been passed on 28/29.07.2020. The applicant has filed representations dated 29.07.2020, 01.08.2020 and 11.08.2020 before the higher authority challenging the impugned order. Not only this, but he has challenged the suspension order by preferring an appeal on 03.08.2020 before the

//3//

O.A. No. 311/2020

appellate authority as provided in the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The representations and appeal filed by the applicant is still pending and same are not yet decided by the concerned authorities. The applicant has availed the remedy available to him under service rules by preferring the appeal and therefore, the present O.A. cannot be admitted before expiry of stipulated time mentioned in Section 20 of the Administrative Tribunals Act, 1985. Hence, the O.A. cannot be admitted. Consequently, the O.A. deserves to be rejected.

6. In view of the above, the O.A. stands rejected. There shall be no order as to costs.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 270 OF 2020
(Shri Bhima P. Chakre V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 28.09.2020.

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.

//2//

O.A. No. 270/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.
8. S.O. to 28.09.2020.
9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 198 OF 2020
(Shri Harischandra B. Bhujbal V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

Heard Shri R.B. Wankhede, learned Advocate holding for Shri G.J. Pahilwan, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 24.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 955 OF 2018
(Shri Madhukar K. Sapadhare V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3. Shri Shrimant Mundhe, learned Advocate for respondent Nos. 4 & 5, **absent**.

2. At the request of learned Presenting Officer, S.O. to 14.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION ST. NO. 772 OF 2020
(Shri Arjun M. Pawar V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. The applicant shall remove the office objection first and then ask for circulation.

3. In view thereof, the present O.A. is removed from the board.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION ST. NO. 798 OF 2020
(Shri Natwarsingh V. Tadavi V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the prayer clause of O.A. and therefore, he seeks time.

3. In view thereof, time is granted. The applicant shall amend the O.A. on or before the next date.

4. S.O. to 07.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 1102 OF 2019
(Shri Rajendra L. Patil and Anr. V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 Shri V.G. Pingle, learned Advocate for respondent Nos. 4 to 6 and Shri S.D. Joshi, learned Advocate for respondent Nos. 8 & 9. None appears for respondent No. 7 though duly served.

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

3. Learned C.P.O. seeks time to file sur-rejoinder. Time granted.

4. S.O. to 21.09.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 06 OF 2020
(Shri Chandu V. Gavit V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for taking corrective steps. Time granted.

3. S.O. to 07.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 137 OF 2020
(Shri Lalit G. Pandule V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer states that the respondent Nos. 1 & 3 has been served and he is going to file affidavit in reply on their behalf during the course of the day.

3. In view of the above, there is no need to wait for service affidavit of respondent Nos. 1 & 3.

4. S.O. to 14.09.2020.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION ST. NO. 810 OF 2020
(Shri Sharad Shamrao Borse V/s. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 31.08.2020.

ORAL ORDER :

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

2. Learned Advocate for the applicant seeks leave of this Tribunal to delete the prayer clause 17(B) of the O.A.

3. Leave as prayed for is granted. The applicant shall amend the O.A. forthwith.

4. Learned Advocate for the applicant has submitted that the applicant has approached this Tribunal claiming limited relief which is narrated in paragraph no.17.-C) as follows:

“C) The sole respondent may be directed to place the matter of applicant before the review committee forthwith for revocation of suspension order dated 15.04.2020 and also to reinstate the applicant on the post of Godown Keeper on any other vacant post by giving him the posting forthwith.”

5. Learned Advocate for the applicant has submitted that as the relief claimed by the applicant is

limited, the necessary direction may be issued to the respondent to place the matter of the applicant before the review committee for taking decision in respect of continuation or revocation of his suspension and with that direction the present O.A. may be disposed of.

6. Learned Presenting Officer has submitted that the respondents have not yet filed their affidavit in reply. However, considering the limited prayer sought by the applicant in the O.A., reasonable time may be given to the respondent to place the matter before the review committee. Therefore, he has prayed three months' time to place the matter of the applicant before the review committee for taking decision on suspension and with that direction the O.A. may be disposed of.

7. In view of the submissions made by the learned Advocate for the applicant and learned Presenting Officer, the O.A. is disposed of with a direction to the respondent to place the matter of the applicant before the review committee for taking conscious decision in respect of continuation or revocation of suspension order of the applicant on merit as per the rules and decide it within 2 months from the date of order and

//3//

O.A. St. 810/2020

communicate the decision thereon to the applicant in writing. There shall be no order as to costs.

VICE CHAIRMAN

KPB/ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 156 OF 2020
(Shri Raju A. Ghodke & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 31.08.2020

ORAL ORDER :

Heard Shri Abhishek C. Deshpande, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits that the fresh notices be issued to the respondents. Hence, issue fresh notices to the respondents, returnable on 01.10.2020.

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 01.10.2020.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 951 OF 2019
(Shri Shankar V. Bansode Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 31.08.2020

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for
the applicant, Shri V.R. Bhumkar, learned Presenting
Officer for the respondent Nos. 1 to 3. Shri B.S.
Deshmukh, learned Advocate for respondent No. 4
(absent).

2. Admit. The present case be placed before the
Division Bench for final hearing in due course of time.

VICE CHAIRMAN

ORAL ORDERS 31.08.2020-hdd

**ORIGINAL APPLICATION NO. 1008 OF 2019
(Mahendra S. Kulkarni Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 31.08.2020

ORAL ORDER :

Heard Shri A.D. Gadekar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. On instructions, learned Advocate for the applicant submits that the grievance of the applicant has been redressed. Therefore, the applicant does not want to proceed with the present Original Application and wants to withdraw the same. Learned Advocate for the applicant has filed withdrawal pursis signed by the applicant and the same is taken on record and marked as document 'X' for the purpose of identification. Therefore, the learned Advocate for the applicant sought leave of this Tribunal to withdraw the same.

3. Learned Presenting Officer for the respondents submitted that the necessary orders may be passed.

4. In view of the aforesaid submissions made on behalf of both the sides, leave to withdraw the present Original Application is granted. Accordingly, the present Original Application stands disposed of as withdrawn without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 184 OF 2020
(Shri Govardhan B. Kawale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 31.08.2020

ORAL ORDER :

Heard Shri V.V. Gujar, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 to 3 and 5 and Shri S.J. Salunke, learned Advocate for respondent No. 4.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondent No. 5. Learned Advocate for respondent No. 4 also sought time to file affidavit in reply on his behalf. Time granted.

4. S.O. to 01.10.2020.

VICE CHAIRMAN

M.A.NO. 215/2020 IN O.A. NO. 76/2018
(Nilkant M. Sanap & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 31.08.2020

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicants in M.A. No. 215/2020, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 7 & 8 and Shri Avinash S. Deshmukh, learned Advocate for the applicants in O.A. No. 76/2018.

2. On instructions, the learned Advocate for the applicants in M.A. submits that the applicants in M.A. do not want to proceed with the prayer clause 10 (C) and, therefore, he prayed to grant leave to delete the same. Therefore, the learned Advocate for the applicant seeks leave of this Tribunal to amend the M.A. Leave as prayed for is granted. The applicant shall amend the M.A. forthwith.

3. Learned Advocate for the applicant further submitted that the applicant wants to proceed with the prayer clause 10 (B).

O.A. NO. 76/2018

4. Learned Chief Presenting Officer and learned Advocate for the applicants in O.A. submitted that they have no objection to allow the M.A. No. 215/2020 to the extent of prayer clause 'B' only.

5. In view of the aforesaid submissions made on behalf of both the sides, the present M.A. is allowed in terms of prayer clause "B", which reads as under: -

"B. By allowing this Misc. Application, the respondent Nos. 1 to 6 may kindly be directed to add the present applicants as party respondents in the Original Application No. 76/2018".

6. The learned Advocate for the applicants in O.A. shall add the applicants in M.A. as party respondents in O.A. There shall be no order as to costs.

VICE CHAIRMAN

M.A.NO. 123/2020 IN O.A. NO. 76/2018
(Parmeshwar B. Sanap & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 31.08.2020

ORAL ORDER :

Heard Shri L.M. Kulkarni, learned Advocate for the applicants in M.A. No. 123/2020, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 7 & 8 and Shri Avinash S. Deshmukh, learned Advocate for the applicants in O.A. No. 76/2018.

2. This is an application filed by the applicants in M.A. for intervention in O.A. No. 76/2018.

3. Learned Chief Presenting Officer and learned Advocate for the applicants in O.A. submitted that they have no objection to allow the M.A. No. 123/2020.

4. In view of the aforesaid submissions made on behalf of both the sides, the present M.A. is allowed and disposed of.

:: - 2 - ::

**M.A.NO. 123/2020 IN
O.A. NO. 76/2018**

5. The learned Advocate for the applicants in O.A. shall add the applicants in M.A. as party respondents in O.A. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDERS 31.08.2020-hdd

ORIGINAL APPLICATION NO. 76 OF 2018
(Purushottam S. Andhale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 31.08.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 2, S/Shri Sandeep D. Munde & L.M. Kulkarni, learned Advocates for the proposed respondents.

2. S.O. to 21.09.2020.

VICE CHAIRMAN

ORAL ORDERS 31.08.2020-hdd

ORIGINAL APPLICATION NO. 314 OF 2020
(Sahebrao C. Pagore Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the Single Bench due to non-availability of Division Bench]

DATE : 31.08.2020

ORAL ORDER :

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

2. The applicant has filed the present Original Application seeking directions to the respondents to consider representation dated 07.08.2019 filed by him for granting regular promotion in the post of PSI (Dog Master).

3. Learned Advocate for the applicant has submitted that the applicant is simply praying the aforesaid relief and he has submitted that the applicant is not pressing other reliefs and, therefore, he prayed to dispose of the present Original Application by giving directions to the respondents to consider the representation filed by the applicant within a stipulated time.

4. Learned Presenting Officer has submitted that the present Original Application may be disposed of

with the directions to the respondents to decide the representation of the applicant within a reasonable time.

5. In view of the aforesaid submissions made on behalf of both the sides, the present Original Application stands disposed of with the directions to the respondents to decide the representation filed by the applicant dated 07.08.2019 within a period of three months from today on its own merits as per the rules. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 170/2020
(Piraji L. Sormare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 31.08.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 1 to 3 and Shri V.B. Wagh, learned Advocate for respondent no. 4.

2. Learned C.P.O. has sought time to produce the original record regarding the transfer of the applicant.

3. On perusal of record it reveals that though ample opportunities were given to the respondents to produce the original record regarding transfer of the applicant before this Tribunal, still the respondents are agitating to produce the said record before this Tribunal. In the circumstances, last chance is granted to the respondents to produce on record the original record regarding transfer of the applicant before this Tribunal.

4. In the circumstances, S.O. to 3.9.2020. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 310/2020
(Sandip P. Nalwade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 31.08.2020

ORAL ORDER :

Heard Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 28.09.2020.
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.

//2// O.A. No. 310/2020

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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 28.09.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 312/2020
(Amol D. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 31.08.2020

ORAL ORDER :

Heard Shri D.R. Irale Patil, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 28.09.2020.

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

//2// O.A. No. 312/2020

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 28.09.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 31.08.2020

M.A. 193/2020 IN O.A. ST. 613/2020
(Sandip S. Thorat Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 31.08.2020

ORAL ORDER :

Heard Shri Sandip Munde, learned Advocate holding for Shri Rahul R. Karpe, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents in the M.A., returnable on 1.10.2020.

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

//2// M.A. 193/2020 IN
O.A. ST. 613/2020

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 1.10.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 31.08.2020

M.A. 213/2020 IN O.A. 260/2020
(Rajendra B. Bakare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 31.08.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant in M.A., Shri M.P. Gude, learned Presenting Officer for the respondent no. 1 in the present M.A. and Shri V.B. Wagh, learned Advocate for the respondent no. 1 in the present M.A. / applicant in O.A.

2. Shri Wagh, learned Advocate for respondent no. 1 in the present M.A. / applicant in M.A. has filed affidavit in reply in the present M.A. It is taken on record and copy thereof has been supplied to other side.

3. Learned P.O. seeks time to file affidavit in reply of the respondent authorities in the present M.A. as well as in the O.A. Time granted.

4. In the circumstances, S.O. to 10.9.2020. The interim relief granted in the O.A. vide order dtd. 13.8.2020 to continue till then.

VICE CHAIRMAN

M.A. 214/2020 IN O.A. 286/2020
(Ravi B. Harne Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 31.08.2020

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant in the present M.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent nos. 2 & 3 in the present M.A. Shri K.G. Salunke, learned Advocate for the respondent no. 1 in the present M.A. / applicant in O.A. (**absent**).

2. In view of absence of respondent no. 1 in the present M.A. / applicant in O.A., S.O. to 7.9.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 307/2020
(Krushna S. Edke Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN
DATE : 31.08.2020

ORAL ORDER :

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

2. Learned Advocate for the applicant has submitted that the applicant has approached this Tribunal claiming limited relief which is narrated in paragraph no. 13(B) as follows:

"(B) The Hon'ble Tribunal pleased to direct the sole respondent to place the matter of the present applicant before Review Committee for taking the conscious direction in respect of the continuation of the revocation of suspension order and further direct the review committee to take the decision within the stipulated period and to communicate the decision to the present applicant and for that purpose necessary order may kindly be passed."

3. Learned Advocate for the applicant has submitted that as the relief claimed by the applicant is

limited, the necessary direction may be issued to the respondent to place the matter of the applicant before the review committee for taking decision in respect of continuation or revocation of his suspension and with that direction the present O.A. may be disposed of.

4. Learned Presenting Officer has submitted that the respondents have not yet filed their affidavit in reply. However, considering the limited prayer sought by the applicant in the O.A., reasonable time may be given to the respondents to place the matter before the review committee. Therefore, he has prayed three months' time to place the matter of the applicant before the review committee for taking decision on suspension and with that direction the O.A. may be disposed of.

5. In view of the submissions made by the learned Advocate for the applicant and learned Presenting Officer, the O.A. is disposed of with a direction to the respondents to place the matter of the applicant before the Review Committee for taking conscious decision in respect of continuation or revocation of suspension order of the applicant on merit as per the rules and

::-3-::

O.A. NO. 307/2020

decide it within 2 months from the date of this order and communicate the decision thereon to the applicant in writing. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 31.08.2020

M.A. 167/2020 IN M.A. ST. 518/2020 IN O.A. ST. 519/2020
(Dipak D. Joshi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 31.08.2020

ORAL ORDER :

Heard Smt. A.N. Ansari, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

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

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

VICE CHAIRMAN

M.A. ST. 518/2020 IN O.A. ST. 519/2020
(Dipak D. Joshi & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE : 31.08.2020

ORAL ORDER :

Heard Smt. A.N. Ansari, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents in the M.A. St. no. 518/2020, returnable on 1.10.2020.

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

//2//

**M.A. ST. 518/2020 IN
O.A. ST. 519/2020**

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 1.10.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 31.08.2020

ORIGINAL APPLICATION NO. 287/2020

(Shahu S. Jaswantsingh S. Huzurasingh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE : 31.08.2020

ORAL ORDER :

Heard Shri M.K. Bhosale, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 28.09.2020.
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

//2// O.A. No. 287/2020

(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. If notice is not collected within 7 days or proof of service is not produced before 3 days of the next date, case shall automatically stand dismissed without further reference to the Tribunal.

8. S.O. to 28.09.2020.

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

VICE CHAIRMAN

ARJ ORAL ORDERS 31.08.2020