M.A.NO.390/2019 IN O.A.NO.726/2019 (Sonal V. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.03.2022

ORAL ORDER:

Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Smt. M.S.Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that during the pendency of the present O.A., applicant has been appointed on the subject post and thus her grievance has been redressed.

3. In view of the submissions as made above, O.A. as well as the M.A. alongwith it stands disposed of with no order as to costs.

MEMBER (A)

MEMBER (J)

REVIEW APPLICATION NO.01/2022
IN
ORIGINAL APPLICATION NO.384/2019
(Vinayak Kapse & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.03.2022

ORAL ORDER:

Shri A.S.Deshmukh learned Advocate holding for Shri M.B.Kolpe, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 07-03-2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.97/2022 (Vijay Kale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 04.03.2022

ORAL ORDER:

Heard Shri G.M.Jadhav, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents, returnable on 08.04.2022.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 08.04.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO.199/2022 (Narendra Patil Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 04.03.2022

ORAL ORDER:

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

- 2. Issue notices to the respondents, returnable on 08.04.2022.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 08.04.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

M.A.NO.62/2022 IN O.A.ST.NO.209/2022 (Vijay Kale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.03.2022

ORAL ORDER:

Heard Shri G.M.Jadhav, learned Advocate for the applicant and Smt. Deepali Deshpande, learned Presenting Officer for the respondents.

- 2. Issue notices to the respondents in M.A., returnable on 08.04.2022.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

=2= M.A.NO.62/2022 IN O.A.ST.NO.209/2022

- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 08.04.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

M.A.ST.NO.373/2022 IN O.A.ST.NO.374/2022 (Ghansham Chavan & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.03.2022

ORAL ORDER:

Shri D.T.Devane, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 10-03-2022.

MEMBER (A)

MEMBER (J)

M.A.NO.521/2018 IN O.A.NO.818/2018 (Kishor Suradkar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.03.2022

ORAL ORDER:

Shri G.K.Muneshwar, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 10-03-2022.

MEMBER (A)

MEMBER (J)

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

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 04.03.2022

ORAL ORDER:

Shri S.D.Joshi, learned Advocate for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 24-03-2022.

MEMBER (A)

MEMBER (J)

- (1) ORIGINAL APPLICATION NO. 698/2021 (Shri Jitesh Prashant Wagh Vs. State of Maharashtra & Ors.)
- (2) ORIGINAL APPLICATION NO. 13/2022
 (Shri Swapnil Vasant Sable Vs. State of Maharashtra & Ors.)
- (3) ORIGINAL APPLICATION NO. 140/2022 (Shri Seema Ajij Shaikh Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 4.3.2022

ORAL ORDER:

Heard Shri Sandeep D. Munde, learned Counsel for the applicants in O.A. Nos. 698/2021 & 140/2022, Shri A.V. Thombre, learned Counsel holding for Shri S.S. Thombre, learned Counsel for the applicant in O.A. 13/2022 and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in these three O.As.

- 2. Since issues raised and the prayers made in all these Original Applications are identical, we have heard the common arguments of the learned Counsel appearing for the applicants and learned Chief Presenting Officer for the respondents and we deem it appropriate to decide these applications by a common reasoning.
- 3. At the commencement of the arguments, leave is sought by Shri Sandeep Munde, learned Counsel appearing

::-2-::

for the applicant in O.A. no. 698/2021 to delete the prayer clause (B) in the said O.A. Leave granted as prayed for. The necessary amendment be carried out forthwith.

- 4. In the present matters the arguments were heard on 4.2.2022 at length. During the course of arguments, it was transpired that the main grievance of the applicants was that the decision taken by the M.P.S.C. to provide "opting out" option for all pending recruitment processes as well as all future competitive examinations vide their publication dated 16.11.2021, was not made applicable to the recruitment process in progress for filling the posts of Assistant Conservator of Forest, Group-A and Range Forest Officer, Group-B commenced vide advertisement No. 4/2019.
- 5. After noticing substance in the grievance so raised by the learned Counsel appearing for the applicants, Tribunal had passed an order on 4.2.2022 in O.A. No. 698/2021 directing the respondent no. 2, the M.P.S.C., to explain as to why the decision taken vide notification dated 16.11.2021 of "opting out" was not made applicable to the recruitment process commenced vide advertisement No. 4/2019. In response to the direction given as aforesaid affidavit in reply has been filed on behalf of the respondent no. 2, M.P.S.C. In para 14 of the said affidavit in reply,

it is submitted that, as per the notification dated 16.11.2021, the option of "opting out" is made available to the examinations, of which results are pending. It is further averred that since the result of Maharashtra Forest Services Examination – 2019 was already declared on 29.9.2021, the Commission's Notification dated 16.11.2021 cannot be made applicable to the said examination.

- 6. In light of the averments taken in the affidavit in reply by the respondent no. 2, we again carefully perused the notification dated 16.11.2021. Clause 3 of the said notification is relevant in the present context. It reads as under:-
 - "(३) भरतीपिक्रयेतून बाहेर पडण्याबाबतचा सदर निर्णय सर्व प्रलंबित तसेच यापुढील सर्व स्पर्धा परीक्षांच्या निकाल पिक्रयेपासून लागू राहील. तसेच, त्याप्रमाणे आयोगाच्या कार्य नियमावलीमध्ये सुधारणा करण्यांत येईल. सदर सुधारणा होईपर्यतच्या कालावधीत कार्यनियमावलीमध्ये सुधारणा झाली आहे; असे समजून पिक्रया सुरू करण्यात येईल."
- 7. The aforesaid clause nowhere provides that it would not apply in the cases wherein results of the competition examinations are declared. The clause plainly read, has to be interpreted to mean that the "opting out" option would be applicable in all pending recruitment process and to all future recruitment processes from the stage of

declaration of result of the said examinations. In the present matters, as is revealing from the information received to the applicant under Right to Information Act vide communication dated 13.12.2021 under the signature of the Public Information Officer of M.P.S.C., the final results of the examinations for the post of Maharashtra Forest Services were not published till the date of the said communication. It is thus evident that on the date of issuance of notification dated 16.11.2021, the results of the final examination was not published. In the circumstances, we see no reason for the respondent no. 2, M.P.S.C., for not making applicable the notification dated 16.11.2021 even for the said recruitment process.

8. All these three Original applications, in our opinion, can be disposed of by directing M.P.S.C. to make applicable the option of "opting out" as per its notification dated 16.11.2021 even for the recruitment process in progress for the Maharashtra Forest Services vide advertisement nos. 4/2019 and 12/2019. It does not appear to us that any prejudice is likely to be caused to anyone, if the aforesaid direction is given and the "opting out" option is made available to the recruitment process being in progress for Maharashtra Forest Services. It appears to us that giving of such direction would serve the purpose of applicants in filing these O.As. Hence, the following order:-

::-5-:: **O.A. NO. 698/2021 & ORS.**

ORDER

- (i) Respondent no. 2, the M.P.S.C., is directed to make applicable the notification dated 16.11.2021 to the advertisement no. 12/2019 for Maharashtra Forest Services Examination 2019.
- (ii) The respondent no. 2, the M.P.S.C., shall provide a link to the candidates for "opting out" option in view of the notification dated 16.11.2021 and thereafter if so required, publish a list of candidates eligible for recommendation under the advertisement no. 12/2019. We further direct that the M.P.S.C. shall on their website flash the information that "opting out" option is now made available even to the recruitment process under advertisement no. 12/2019 for the posts in Maharashtra Forest Services.
- (iii) All the three Original Applications stand allowed in the aforesaid terms without any order as to costs.

C.P. 48/2019 IN O.A. 933/2018 (Gajanan M. Jadhav Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri L.S. Shaikh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 11.3.2022 for hearing.

MEMBER (A)

MEMBER (J)

C.P. 2/2020 IN O.A. 10/2019 (Shridevi M. Mahanwar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri H.P. Jadhav, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 24.3.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 274/2017 (Anil A. Beedkar & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri Yogesh P. Deshmukh, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 18.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 758/2017 (Dadarao D. Boarade Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 18.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NOS. 453 & 454/2018 (Balasaheb R. Mendhekar & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri R.N. Bharaswadkar, learned counsel for the applicants in both the matters, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in both the matters and Shri S.S. Dambe, learned Counsel for respondent nos. 5 to 12 in O.A. No. 453/2018, are present.

2. With the consent of both the sides, S.O. to 1.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 491/2018 (Shivanand T. Taksale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Ms. Anagha Pandit, learned Counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, Shri V.N. Upadhaye, learned Counsel for respondent no. 4 and Shri A.S. Deshmukh, learned Counsel for respondent no. 5, are present.

2. With the consent of both the sides, S.O. to 19.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 230/2019 (Dr. Rekha G. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri Shamsunder B. Patil, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.K. Kadam, learned Counsel for respondent no. 3, are present.

2. With the consent of both the sides, S.O. to 19.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 917/2019 (Ashok D. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.S. Panpatte, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 20.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 39/2020 (Anil B. Nikam Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri A.S. Deshmukh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 1.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 271/2020 (Siddharth M. Kadam Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 31.3.2022 for hearing.

MEMBER (A)

MEMBER (J)

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

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri D.R. Irale Patil, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 20.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 508/2020 (Bhojane S. Prabhakar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri C.V. Dharurkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 21.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 78/2021 (Shubhangi Y. Pawale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri A.S. Deshmukh, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, Shri C.D. Biradar, learned Counsel for respondent nos. 1 & 2, are present.

2. With the consent of both the sides, S.O. to 10.3.2022 for hearing. **High on Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 194/2021 (Vinod B. Ghewande Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

2. With the consent of both the sides, S.O. to 6.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 225/2021 (Ashvini M. Mudhbhate Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri C.V. Dharurkar, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, Shri M.B. Kolpe, learned Counsel for respondent no. 4 and Shri A.S. Deshmukh, learned Counsel for respondent no. 5, are present.

2. With the consent of both the sides, S.O. to 21.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. 83/2020 IN O.A. 1036/2019 (Dr. Naresh S. Shinde Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Ms. Anagha Pandit, learned Counsel holding for Shri S.B. Talekar, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri Rakesh Jain, learned Counsel for respondent no. 4, are present.

2. With the consent of both the sides, S.O. to 1.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

MA 200/2020 IN M.A. 506/2018 IN O.A. ST. 1951/2018 (Sajed Khan Ajiz Khan Pathan Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri R.N. Bharaswadkar, learned counsel for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, Shri C.B. Gore, learned Counsel for respondent nos. 5 & 6 and Shri V.G. Pingle, learned Counsel for respondent no. 7, are present.

2. With the consent of both the sides, S.O. to 1.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. 230/2020 IN O.A. 325/2020 (Sandip B. Thakur Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

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

2. With the consent of both the sides, S.O. to 13.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

M.A. 70/2021 IN M.A. 112/2020 IN O.A. 1086/2019 (Chintaman H. Vasave Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri S.G. Kulkarni, learned Counsel holding for Shri Ajay Deshpande, learned counsel for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities and Shri K.B. Jadhav, learned Counsel for respondent no. 3 in M.A. 112/2020 IN O.A. 1086/2019, are present.

2. With the consent of both the sides, S.O. to 13.4.2022 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 160 OF 2020 (Shrirang P. Jarhad Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Shri Shrirang P. Jarhad, learned Advocate for the applicant is **absent**. Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1 to 3 and Shri S.B. Mene, learned Advocate for the respondent No.4.

2. In view of absence of applicant, S.O. to 13.04.2022.

MEMBER (J)

SAS ORAL ORDERS 04.03.2022

ORIGINAL APPLICATION NO. 134 OF 2021 (Rupali R. Chougule Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

None present on behalf of the applicant.

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

2. In view of absence of learned Advocate for the applicant, S.O. to 13.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 319 OF 2021 (Netaji G. Shinde Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Ms. Anagha Pandit, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 11.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 438 OF 2021 (Sambhaji K. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent No.1 and Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the respondent No.2.

- 2. Short affidavit filed by the applicant is taken on record and copy thereof has been served on the other side.
- 3. By consent of all the parties, S.O. to 10.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 629 OF 2021 (Dr. Archana V.Bhosale Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. By consent of both the parties, S.O. to 07.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 29 OF 2017 (Shankar D. Chaudhari Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos.1,2 & 4. Shri S.D. Dhongde, learned Advocate for the respondent No. 3 has filed **leave note**.

2. By consent of learned Advocate for the applicant and learned P.O. for the respondent Nos.1,2 & 4, S.O. to 13.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 656 OF 2018 (Dr. Sunil D. Dhumal Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the parties, S.O. to 18.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 190 OF 2019 (Dr. Chandrakant B. Lamture Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Shri J.S. Deshmukh, learned Advocate for the applicant is **absent**. Heard Shri D.R. Patil, learned Presenting Officer for the respondents.

2. In view of absence of learned Advocate for the applicant, S.O. to 12.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 422 OF 2019 (Syed Khaja Syed Meeran Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Smt. Suchita A. Dhongde, learned Advocate for the applicant has filed **leave note**. Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. In view of leave note of learned Advocate for the applicant, S.O. to 12.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 297 OF 2021 (Manjusha M. Mutha Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. By consent of both the parties, S.O. to 15.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 498 OF 2021 (Navnath R. Sanap Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. By consent of both the parties, S.O. to 11.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.52 OF 2020

(Pramod P. Lokhande Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO.53 OF 2020

(Kailas K. Sasane Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO.155 OF 2020

(Vishal N. Kamble Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO.283 OF 2021

(Gautam A. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri Harish S. Bali, learned Advocate for the applicants in all these cases and Shri S.K. Shirse, learned Presenting Officers for the respondents in all these cases.

2. The present matters are reserved for order.

MEMBER (J)

ORAL ORDERS 04.03.2022-SAS

Date:04.03.2022

ORIGINAL APPLICATION NO.103 OF 2022 (Tushar Vijaykumar Veldandi V/s The State of Maharashtra & Ors.)

Per: Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

- 1. Shri Sunil B. Kakde, learned Advocate for the applicant and Shri V.R. Bhumkar, ld. P.O. for the respondents, are present
- 2. Circulation is granted. Issue notices to the respondents, returnable on 07.04.2022. The case be listed for admission hearing on **07.04.2022**.
- 3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

Date:04.03.2022

ORIGINAL APPLICATION NO.204 OF 2022 (Ganesh S. Bangale V/s The State of Maharashtra & Ors.)

Per :- Standing directions of Hon'ble Chairperson, M.A.T., Mumbai

- 1. Shri Sunil B. Kakde, learned Advocate for the applicant and Smt. Deepali S. Deshpande, ld. P.O. for the respondents, are present
- 2. Circulation is granted. Issue notices to the respondents, returnable on 07.04.2022. The case be listed for admission hearing on **07.04.2022**.
- 3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

O.A.NOS. 526/2018, 715/2018, 219/2020, 220/2019, 344/2019, 345/2019 & 347/2019 (Dr. Prachi K. Haridas & ORs. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 4.3.2022

ORAL ORDER:

Shri J.S. Deshmukh, learned counsel for the applicants in all these cases, Shri V.R. Bhumkar, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri Ashish B. Rajkar, learned counsel for respondent No. 4, are present.

- 2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of respondent Nos. 1 to 3 in all these cases. Time granted.
- 3. S.O. to 6.4.2022.

MEMBER (A)

MEMBER (J)

T.A.NO. 1/2019 (W.P.NO. 11496/2019) With Caveat No. 66/2019 With Caveat Nos. 68 & 69/2019 (Sonali V. Varwade & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 4.3.2022

ORAL ORDER:

Shri P.D. Jarare, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri A.S. Deshmukh, learned counsel for Caveator, Shri S.D. Munde, learned counsel for Caveator and Ms. Angha Pandit, learned counsel holding for Shri S.B. Talekar, learned counsel for respondent No. 19, are present.

2. S.O. to 11.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 307 OF 2019 (Rahul D. Sathe & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri Rahul D. Khadap, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

- 2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 12.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 208 OF 2021 (Dnyaneshwar B. Biradar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri S.B. Solanke, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of the respondents. Time granted.
- 3. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 324 OF 2021 (Sharad D. Kothawale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 4.3.2022

ORAL ORDER:

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.

2. Learned counsel appearing for the applicant, on instructions, submits that the applicant does not wish to file rejoinder affidavit.

3. In the circumstances, list the present case for hearing on 6.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 412 OF 2021 (Chetan K. Thakare Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

- 2. Learned counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 12.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 64 OF 2022 (Bhimrao K. Gaikwad Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

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

2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 12.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 93 OF 2022 (Vidya S. Sudane Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri Avinash S. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

2. Await service.

3. S.O. to 12.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 100 OF 2022 (Rakesh A Salunke Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of the respondents. Time granted.
- 3. S.O. to 12.4.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 521/2019 IN O.A.ST.NO. 1930/2019 (Prashant P. Sonagra Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri A.D. Kaware, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. Await service of notice on respondent No. 3.

3. Learned Presenting Officer has sought time for filing affidavit in reply on behalf of the respondent Nos. 1 & 2. Time granted.

3. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 175/2021 IN O.A.NO. 904/2018 (Shaikh Ayub Shaikh Jaleel Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri Zia Ul Mustafa, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents, are present.

2. S.O. to 6.4.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 308/2021 IN O.A.NO. 492/2021 (Ganesh K. Chate & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 17.3.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 371/2021 IN O.A.NO. 415/2021 (Rajendra B. Jagdale Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

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

2. S.O. to 6.4.2022.

MEMBER (A)

MEMBER (J)

M.A.NO. 56/2022 IN O.A.NO. 405/2021 (Dinesh N. Karande Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri S.S. Kulkarni, learned counsel for the applicant and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondents, are present.

2. S.O. to 7.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION 279 OF 2017 (Rekha A. Bonalwar Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.G. Pingle, learned counsel for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri A.D. Aghav, learned counsel for respondent Nos. 4 & 5, are present.

2. S.O. to 20.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION 477 OF 2018 (Santosh U. Manadage Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 1.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION 927 OF 2018 (Shamrao N. Kadam & Ors. Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

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

2. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION 171 OF 2019 (Dr. Vaishali R. Jadhav Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri J.S. Deshmukh, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 to 3 and Shri B.N. Gadegaonkar, learned counsel for respondent No. 4, are present.

2. S.O. to 4.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 558 OF 2019 (Udalsingh A. Bohra Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri A.L. Kanade, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION 559 OF 2019 (Janardhan P. Muley Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri A.L. Kanade, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 5.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION 320 OF 2020 (Santosh N. Dhongde Vs. State of Maharashtra & Ors.)

CORAM: Hon'ble Justice Shri P.R. Bora, Member (J)

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 4.3.2022

ORAL ORDER:

Shri V.B. Wagh, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents, are present.

2. S.O. to 6.4.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 411 OF 2020 (Ashfaq Shahnoor Quraishi Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

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

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 4.

4. S.O. to 17.03.2022.

MEMBER (J)

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

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

DATE : 04.03.2022

ORAL ORDER:

Heard Ms. Tejal R. Mankar, learned Advocate holding for Ms. Preeti Wankhade, learned Advocate for the applicants and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1, 3 & 4. Same is taken on record and copy thereof has been served on the other side.
- 3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent No. 2.
- 4. As per the Circular No. MAT/MUM/ESTT/732/ 2021, dated 25/28.05.2021 issued by the Hon'ble Chairperson of the Maharashtra Administrative Tribunal, Mumbai, the matters regarding time bound promotion and ACPS are to be dealt with by the Division Bench. The present matter is pertaining to benefits of ACPS.
- 5. In view of the same, the present matter be placed before the Division Bench for further hearing.
- 6. S.O. to 30.03.2022.

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

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri S.D. Joshi, learned Advocate holding for Shri A.M. Gholap, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

- 3. In view of the same, the present matter be placed before the Division Bench for further hearing.
- 4. S.O. to 30.03.2022.

ORIGINAL APPLICATION NO. 494 OF 2020 (Yashwant L. Mohite Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Shri S.B. Ghute, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent No. 1 to 4 and Shri H.P. Jadhav, learned Advocate for respondent No. 5.

- 2. At the request of learned Presenting Officer for the respondent Nos. 1 to 4 and learned Advocate for respondent No. 5, time is granted for filing affidavit in reply.
- 3. S.O. to 08.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 517 OF 2020 (Nandkishor K. Gupta Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Smt. Vidya Taksal, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent Nos. 1, 2, 4 & 6. Shri U.B. Bondar, learned Advocate for respondent No. 3 and Shri R.V. Naiknaware, learned Advocate for respondent No. 5, are **absent**.

- 2. Record shows that affidavit in replies are filed on behalf of respondent Nos. 3, 5 & 6.
- 3. Learned Advocate for the applicant submits that during pendency of the present Original Application, the applicant has received all the benefits as per the prayer clause 12 (B) to (D) and the applicant is pressing only prayer in respect of interest on delayed payment i.e. prayer Clause 12 (E). She submits that the applicant does not wish to file rejoinder affidavit.
- 4. S.O. to 13.04.2022.

ORIGINAL APPLICATION NO. 568 OF 2020 (Shankar S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

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

3. S.O. to 11.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 581 OF 2020 (Ganesh S. Khetre Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri S.D. Gawale, learned Advocate holding for Shri V.P. Kadam learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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

3. S.O. to 13.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 43 OF 2021 (Chandramuni T. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1 & 4 and Shri Shamsunder B. Patil, learned Advocate for respondent Nos. 2 and 3.

2. Learned Advocate for respondent Nos. 2 and 3 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

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

4. S.O. to 07.04.2022.

MEMBER (J)

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

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

DATE : 04.03.2022

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 10.03.2022 for taking necessary steps.

MEMBER (J)

ORIGINAL APPLICATION NO. 351 OF 2021 (Kautik Y. Kachole Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Record shows that the affidavit in reply is filed on behalf of respondent Nos. 1 to 3

3. Learned Presenting Officer submits that the respondent No. 4 adopts the affidavit in reply filed by the respondent Nos. 1 to 3.

4. S.O. to 31.03.2022 for filing rejoinder affidavit.

MEMBER (J)

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

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri P.D. Jarare, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submits that he will file affidavit in reply along with costs during the course of the day.

3. S.O. to 30.03.2022 for filing rejoinder affidavit.

MEMBER (J)

ORIGINAL APPLICATION NO. 502 OF 2021 (Rana P. Pardeshi Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri Mayur Subhedar, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to seek instruction from the applicant as regards the document placed on record on 16.12.2021 by the respondents showing revocation of his suspension. Time granted.

3. S.O. to 06.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 504 OF 2021 (Dilip B. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Shri M.D. Godamgaonkar, learned Advocate for the applicant (**Absent**). Heard Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. As none present for the applicant, S.O. to 07.04.2022 for filing rejoinder affidavit.

MEMBER (J)

ORIGINAL APPLICATION NO. 605 OF 2021 (Vinod N. Chaoudhary Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Ms. Sayyed G.N., learned Advocate holding for Shri A.D. Aghav, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

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

3. S.O. to 08.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 697 OF 2021 (Dr. Santosh B. Naikwade Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply.
- 3. S.O. to 11.04.2022.

MEMBER (J)

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

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

DATE : 04.03.2022

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 11.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 737 OF 2021 (Arun S. Kapadane Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

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

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

4. S.O. to 17.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 778 OF 2021 (Dr. Laxmikant M. Shende Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri S.S. Paturkar, learned Advocate for J.P. Legal Associates, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

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

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

4. S.O. to 11.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 56 OF 2022 (Sidram M. Koli Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri Shamsunder B. Patil, learned Advocate holding for Shri K.P. Rodge, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that the service affidavit on behalf of the applicant is filed after last date of hearing.

3. Learned Presenting Officer submits that he will file affidavit in reply during the course of the day.

4. S.O. to 05.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 99 OF 2022 (Rohit C. Mote Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

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

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

4. S.O. to 01.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 113 OF 2022 (Vijay B. Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

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

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

4. S.O. to 01.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 114 OF 2022 (Dr. Bhausaheb S. Randhe Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

- 2. At the request of learned Chief Presenting Officer for the respondents, time is granted for filing affidavit in reply.
- 3. S.O. to 05.04.2022.

MEMBER (J)

M.A. No. 622/2019 in O.A. St. No. 2280/2019 (Govardhan H. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

- 2. Learned Advocate for the applicant submits that considering the facts and circumstances, detailed application for condonation of delay is required to be filed. In view of the same, he seeks leave of this Tribunal to withdraw the present M.A. with liberty to file fresh application for condonation of delay.
- 3. In view of above, permission to withdraw the present M.A. is granted. Hence, the M.A. stands disposed of as withdrawn with liberty to the applicant to file fresh application for condonation of delay in accordance with law. There shall be no order as to costs.

M.A. No. 71/2020 in O.A. St. No. 2465/2019 (Sujata R. Puri Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Shri D.R. Jaybhaye, learned Advocate for the applicant (**Absent**). Heard Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply in M.A.
- 3. S.O. to 04.04.2022.

MEMBER (J)

M.A.No. 194/2020 in O.A. No. 174/2020 (Ravindra P. Bibekar Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri D.B. Pokale, learned Advocate holding for Shri A.A. Khande, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri G.N. Patil, learned Advocate for respondent No. 4.

- 2. Learned Advocate for the applicant filed additional affidavit in support of Original Application as per the observations made on earlier order i.e. on 17.02.2022. Same is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 24.03.2022.

MEMBER (J)

M.A. No. 54/2021 in O.A. St. No. 1020/2020 (Pramila R. Shendade & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri D.B. Pokale, learned Advocate for the applicants and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 05.04.2022 for filing rejoinder affidavit in M.A., if any.

MEMBER (J)

M.A. No. 419/2021 in O.A. St. No. 1799/2021 (Nilabai P. Mamulwar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri H.P. Jadhav, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer for the respondents, time is granted for filing affidavit in reply in M.A.
- 3. S.O. to 06.04.2022.

MEMBER (J)

M.A. No. 375/2021 in O.A. No. 489/2020 (Subhash O. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. As none present for the applicant, S.O. to 04.04.2022 for passing necessary orders.

MEMBER (J)

ORIGINAL APPLICATION ST. NO. 1740 OF 2021 (Jayprakash B. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

- 2. Learned Advocate for the applicant seeks time to carry out the necessary amendment in the O.A. in view of order passed by this Tribunal on 15.02.2022.
- 3. Time granted. The applicant shall amend the O.A. within a period of one week.
- 4. The issue of maintainability and jurisdiction as regards exhausting alternate remedy is kept open.
- 5. Issue notices to the respondents, returnable on 04.04.2022.
- 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 04.04.2022.
- 11. Steno copy and Hamdast is allowed to both parties.

ORIGINAL APPLICATION NO. 830 OF 2018 (Shilendra H. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent Nos. 1 to 4. Shri M.V. Bhamre, learned Advocate for respondent No. 5, **absent**.

- 2. Record shows that pleadings up to rejoinder are complete. The present matter is pertaining to appointment to the post of Kotwal. Hence, the O.A. is admitted and it be kept for final hearing on 12.04.2022.
- 3. Learned Presenting Officer is directed to call for the original record in respect of relevant selection process of Kotwal.

MEMBER (J)

ORIGINAL APPLICATION NO. 302 OF 2021 (Hitendra P. Chaudhair Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri M.V. Thorat, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that today he has received copy of the affidavit in reply of respondent Nos. 1 to 4.

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

4. S.O. to 08.04.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 303 OF 2021 (Rajendra G. Baviskar Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri M.V. Thorat, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that today he has received copy of the affidavit in reply of respondent Nos. 1 to 4.

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

4. S.O. to 08.04.2022.

MEMBER (J)

M.A. No. 165/2018 in O.A. St. No. 606/2018 (Shital S. Banale @ Shital Y. Honrao Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. The present matter is closed for orders.

MEMBER (J)

M.A. No. 332/2018 in O.A. St. No. 1178/2018 (Pradeep P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. The present matter is closed for orders.

MEMBER (J)

M.A. No. 503/2019 in O.A. St. No. 2016/2019 (Maheboob Bandegisab Nunbash Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 11.04.2022.

MEMBER (J)

M.A. No. 201/2020 in O.A. St. No. 464/2020 (Satish S. Gugale Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

2. By consent of both the sides, S.O. to 14.03.2022.

MEMBER (J)

M.A. No. 71/2021 in O.A. No. 80/2021 (State of Maharashtra & Ors. Vs. Bhimrao N Kokate)

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

DATE : 04.03.2022

ORAL ORDER:

Heard Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A. / respondents in O.A. and Shri Shamsunder B. Patil, learned Advocate for the respondent in the present M.A. / applicant in O.A.

2. By consent of both the sides, S.O. to 11.03.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 666 OF 2021 (Bhagwan Ramchandra Shewale Vs. State of Maharashtra & Ors.)

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

DATE : 04.03.2022

ORAL ORDER:

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

- 2. Perused the farad sheet order dated 17.02.2022. In terms of the said order, the respondents were directed to respond to the short affidavit filed by the applicant, which is at page Nos. 102 & 103 of the paper book. The requisite documents are annexed with the said short affidavit by the applicant, which is in the form of Government order dated 29.10.2021 (Annexure R-1, page Nos. 105 to 107 of the paper and Government order book) another dated 29.10.2021 (Annexure R-2, page Nos. 108 to 109 of the paper book).
- 3. In view of Government order dated 29.10.2021 (Annexure R-1, page Nos. 105 to 107 of the paper book) mentioned as above, the suspension period of the applicant in respect of which the relief is sought in the O.A. is redressed. Further by another Government

order dated 29.10.2021 (Annexure R-2, page Nos. 108 & 109 of the paper book) the Departmental Enquiry initiated against the applicant is also closed. The applicant is retired on 31.10.2017 from the post of Assistant Superintendent Engineer (P.W.D.) Circle, Ratnagiri and this O.A. is filed seeking following reliefs:-

- "B. To direct the respondent authority to fix the pay of the applicant on the post of Sub Divisional Engineer as per the 6th and 7th Pay Commission and to regularize the suspension period i.e. 21.09.2015 to 17.05.2017 and to prepare the pension papers and forward the same to the Accountant General (A.G.) Mumbai-1 for sanction forthwith.
- C. To direct the respondent authorities to pay all the retirement benefits with finalization of pension and amount of leave encashment, gratuity, commutation of pension with 12% interest of the all retirement benefits till the disbursement.
- D. To grant any other suitable or equitable relief as the applicant may deem fit."
- 4. In view of above, it is the contention of the applicant that the present O.A. can be disposed of by giving necessary directions to the respondents to fix

the pay of the applicant on the post of Sub Divisional Engineer in accordance with law as per 6th and 7th Pay Commission and further to prepare the pension papers of the applicant.

- 5. Learned Chief Presenting Officer submits that necessary order can be passed and the O.A. may be disposed of.
- 6. In view of above, it is evident that the grievance of the applicant as regards the regularization of suspension period is redressed. There is no specific pleading or prayer in the O.A. about the Departmental Enquiry. However, now it is evident that the Departmental Enquiry initiated against the applicant is closed by virtue of the Government order dated 29.10.2021 (Annexure R-2, page Nos. 108 & 109 of the paper book).
- 7. In the circumstances as above, in my considered opinion, the present O.A. can be disposed of by giving appropriate directions. I therefore, proceed to pass following order:-

ORDER

The Original Application is allowed in following terms:-

- (i) In view of regularization of suspension period of the applicant in the background of the Government order dated 29.10.2021 (Annexure R-1, page Nos. 105 to 107 of the paper book) and closing of the Departmental Enquiry against the applicant by virtue of the Government order dated 29.10.2021 (Annexure R-2, page Nos. 108 & 109 of the paper book), the respondent is directed to fix the pay of the applicant in accordance with law in terms of part of prayer clause (B) and to prepare the pension papers of the applicant in accordance with law, as he is retired on 31.10.2017 and process the same further.
- (ii) Accordingly, O.A. stands disposed of with no order as to costs.

DATE: 04.03.2022

ORIGINAL APPLICATION NO. 225 OF 2022

(Sanjaykumar N. Deshatwar Vs. The State of Maharashtra & Ors.)

Per: Standing directions of Hon'ble Chairperson, M.A.T., Mumbai-

- 1. Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents, are present.
- 2. Circulation is granted. Issue notices to the respondents, returnable on 06.04.2022. The case be listed for admission hearing on **06.04.2022**.
- 3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of 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 acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.