

ORIGINAL APPLICATION NO.670/2024
(Santosh K. Wadje Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned Counsel appearing for the applicant submits that, the present applicant was considered for promotion and his name was also included in the list of the candidates eligible to be promoted. Before granting the promotion, online examinations were conducted and the applicant succeeded in the said examination. It is the grievance of the applicant that, though all other employees with him have been promoted, he has not been issued with order of promotion on the ground that departmental enquiry is pending against him. Learned Counsel submitted that mere pendency of departmental enquiry shall not be a ground for withholding promotion of the applicant.

3. Learned Counsel further pointed out that, the enquiry has been initiated in the year 2018 and

though the period of about 6 months has lapsed, the enquiry has not reached to its conclusion. Learned Counsel, in the circumstances, while issuing notice to the respondents, insisted for interim relief thereby directing the respondents to issue order of promotion in favour of the applicant subject to outcome of the O.A.

4. After having heard learned Counsel and after having gone through the pleadings in the O.A. as well as prayer made therein, at the outset, it appears to us that, when the enquiry is pending the relief as has been prayed for, is difficult to be granted in favour of the applicant. After we expressed such opinion, learned Counsel for the applicant has sought leave of the Tribunal to add one prayer and corresponding pleading in the O.A. directing the respondents to expedite the proceedings against him and to complete the said proceedings within a stipulated period. We find request made by the applicant worth considering and leave as prayed for is granted.

5. In view of the prayer which has been made by the learned Counsel by way of amending O.A., it appears to us that, present O.A. can be disposed of

at this stage itself. Enquiry which has been initiated in the year 2018 if has not been concluded though period of more than 5 years has lapsed, the applicant is fully justified in seeking the relief that his enquiry be completed within a time bound manner.

6. Learned P.O. submits that, there cannot be any objection if the enquiry is directed to be completed within time bound manner.

7. In the circumstances, we are disposing of the present O.A. with the following order:

ORDER

[i] Respondents are directed to complete the enquiry pending against the applicant in all respects within 3 months from the date of this order.

[ii] O.A. stands disposed of accordingly without any order as to costs.

MEMBER (A)

YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

C.P.ST.NO.1268/2024 IN O.A.NO.335/2024
(Geeta Motichand Bagawade Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri P.M.Nagargoje, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities.

2. Not on board. Taken on board.

3. Learned Counsel for the applicant submits that the order, contempt of which is alleged in the present Contempt Petition has been complied with. In the circumstances, on instructions he seeks leave to withdraw the present Contempt Petition. Hence, the following order:

ORDER

Contempt petition stands disposed of since withdrawn without any order as to costs.

MEMBER (A)

YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.924/2023
(Tukaram C. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned P.O. has submitted affidavit in reply on behalf of respondent nos.1 to 4. Same is taken on record. Copy thereof has been served on the other side.

3. S.O. to 13-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.466/2023
(Bhaskar P. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Not on board. Taken on board.
3. Learned P.O. submits affidavit in reply on behalf of respondent nos.1 to 4. It is taken on record. Copy thereof be provided to the other side.
4. Learned P.O. prays for waiving costs imposed in the present matter. Learned Counsel does not have objection to accept the said request. Hence, order of costs stands waived.
5. S.O. to 13-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

C.P.NO.38/2024 IN O.A.NO.805/2023
(Sarjerao D. Kharat & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri P.G.Suryawanshi, learned Counsel holding for Shri S.B.Talekar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 22-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

O.A.NO.1022/2023 WITH M.A.NO.145/2024
(Dr. Yogendra G. Yeotikar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO.20/2024
(Dr. Chandrakant S. Avhad Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri B.R.Kedar, learned Counsel for the applicant in O.A. is **absent**. Shri H.P.Jadhav, learned Counsel applicant in M.A. & in O.A.20/24 and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. Learned P.O. seeks leave to file affidavit in reply on behalf of respondent no.2 in O.A.No.20/2024. Learned Counsel consents for taking the reply on record. Reply is, therefore, taken on record. Copy is given to the other side.

3. List the matter for hearing on 18-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.425/2024
(Urmila B.Chothe Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Smt. Vijaya Adkine, learned Counsel holding for Shri V.B.Wagh, learned Counsel for the applicant and Shri V.G.Pingle, learned Presenting Officer for respondent authorities, are present.

2. Learned P.O. seeks time to file affidavit in reply
3. S.O. to 31-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.351/2022
(Taher Ali Mohd. Ali Shah Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned Counsel has tendered affidavit in rejoinder on behalf of the applicant. It is taken on record. Copy thereof be provided to the learned P.O.
3. List the matter for hearing on 27-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.861/2023
(Rajendra Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri U.T.Sonawane, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities, are present.

2. Learned C.P.O. seeks leave to file affidavit in reply on behalf of respondent nos.1 to 7. Leave granted. Reply is, therefore, taken on record. Learned C.P.O. undertakes to provide copy thereof to the other side.

3. List the matter for hearing on 01-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

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

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

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

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

O.A.NO.757/2023

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

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

AND

Shri Vinay Kargaonkar, Member (A)

DATE : 04.07.2024

ORAL ORDER :

Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities is present.

2. Not on board. Taken on board. Learned C.P.O. submits that inadvertently in the present group of matters while filing reply, annexures referred therein could not be annexed with the reply. He has, therefore, prayed for leave to annex the said documents to the affidavit in reply filed earlier. Leave granted.

3. Office is directed to accept the said documents. Learned P.O. to supply copies thereof to the other side. Learned P.O. undertakes to provide copies thereof to the other side.

4. S.O. to 18-07-2024.

MEMBER (A)

YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

C.P.NO.18/2024 IN O.A.NO.06/2022
(Ramesh N. Shahane Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned P.O. files affidavit in reply on behalf of respondent no.4. It is taken on record. Copy thereof be provided to the other side.
3. S.O. to 13-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

**O.A.NO.273/2020, 275/2020, 278/2020, 279/2020,
AND 280/2020**
(Kunal D. Wadnere & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Smt. Sanjivani Ghate, learned Counsel for the applicants and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. In the present matter one week's time is sought on the ground that officers concerned are attending Assembly Session. Time is granted.

3. S.O. to 11-07-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

C.P.NO.01/2024 IN OA.NO.359/2021
(Hajrabee @ Nurbee Shaikh Nijam Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri Ravindra V. Gore, learned Counsel for the applicant is **absent**.

Shri D.T.Devane, learned Counsel for respondent nos.3 & 4 and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. In view of absence of learned Counsel for the applicant, S.O. to 02-09-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

M.A.ST.NO.664/2022 IN O.A.ST.NO.665/2022
(Reshma K. Kamble & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri S.S.Jadhavar, learned Counsel for the applicants is **absent**.

Shri M.B.Bharaswadkar, learned Chief Presenting Officer for respondent authorities is present.

2. In view of absence of learned Counsel for the applicant, S.O. to 27-09-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1010/2023
(Shubham B. Hingmire Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri V.H.Rathod, learned Counsel holding for Shri P.S.Anerao, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for respondent authorities, are present.

2. Learned Counsel Shri V.H.Rathod, holding for Shri P.S.Anerao, learned Counsel for applicant on record seeks adjournment on the ground that, Counsel on record is busy in matters before the Hon'ble High Court. Record shows that, previously also the adjournments are sought on the similar grounds. Matter pertains to the year 2023 and till today even initial steps are not taken. Moreover, grounds on which the adjournments are sought cannot be grounds for seeking adjournments. In the circumstances, alternate arrangements are required to be made.

3. However, in the interest of justice, matter stands adjourned to 10-07-2024. If the matter is not proceeded further on the said date, it shall stand dismissed for want of prosecution.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.659/2024
(Indrajeet N. Garad Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri Vijay V. Deshmukh, learned Counsel for the applicant is **absent**. Shri M.B.Bharaswadkar, learned Presenting Officer for respondent authorities is present.

2. In view of absence of learned Counsel for the applicant, S.O. to 05-08-2024.

MEMBER (A)
YUK ORAL ORDER 04.07.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 170 OF 2023
(Balkrushna M. Joshi Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Heard both the sides at length.
3. S.O. to 31.07.2024 for production of citations by the parties.

MEMBER (J)

**ORIGINAL APPLICATION NO. 258 OF 2023
(Subhash N. Raut Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Smt. S.A. Dhongde, learned counsel holding for Shri A.S. Dhongde, learned counsel for respondent No.2, are present.

2. Learned counsel for respondent No.2 seeks leave to file affidavit in reply on behalf of said respondent. Leave granted.

3. Learned counsel for the respondent No.2 submit that the reply will be filed during course of the day and copy thereof will be given to learned counsel for the applicant.

4. S.O. to 24.07.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 612 OF 2023
(Mohammad Hafiz UR Ibadur Raheman Vs. State of
Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

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

2. By consent of both the sides, S.O. to 21.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 04.07.2024

ORIGINAL APPLICATION NO. 699 OF 2023
(Abhimanyu V. Khade Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri D.G. Kamble, learned counsel for the applicant, is **absent**. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant.
3. Learned P.O. is directed to take specific instructions as to whether during pendency of this Original Application the pensionary benefits have been released to the applicant.
4. S.O. to 12.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 799 OF 2023
(Sheetal N. Ebitwar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned P.O. submits the copy of minutes of meeting of Civil Services Board. The same is taken on record.

3. Learned counsel for the applicant submits that he has already gone through the said minutes of meeting of Civil Services Board.

4. Heard both the sides for some time.

5. Learned P.O. is directed to take specific instructions on what ground on previous two occasions the request of applicant was considered to transfer her at the place of her choice as detailed in paragraph No. 10 of the affidavit in reply filed on behalf of respondent No.2.

6. S.O. to 18.07.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1109 OF 2023
(Prashant S. Auti Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri V.D. Sapkal, learned special counsel holding for Shri A.S. Karlekar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities, Shri Momin Shaikh, learned counsel holding for Shri A.R. Borulkar, learned counsel for respondent No.3 and Shri B.V. Virdhe, learned counsel for respondent No.4.

2. Arguments of learned counsel for the applicant are concluded.

3. Part heard.

4. S.O. to 08.07.2027 for hearing P.O. and as well as learned counsel for respondent Nos. 3 & 4.

MEMBER (J)

ORIGINAL APPLICATION NO. 22 OF 2024
(Rafiqbeg Nazir Beg Mirza Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. By consent of both the sides, S.O. to 22.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 04.07.2024

ORIGINAL APPLICATION NO. 157 OF 2024
(Swapnil P. Kale Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri S.S. Tandale, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits that the applicant has submitted application/representation on 02.02.2024 before the respondent No.2.

3. It appears that the purpose of passing of the impugned order of transfer under the directives of Election Commission of India is now over.

4. Prima facie it appears that the applicant has not completed more than three years at his posting at Udgir, Dist. Latur and as such, the directives issued by the Election Commission of India are not applicable.

5. In view of same, the learned P.O. is directed to take specific instructions from the respondent No.2 as to whether the representation submitted by the applicant can be considered positively and he can be posted in Latur District, if the posts are vacant.

6. S.O. to 08.07.2024 for hearing.

MEMBER (J)

**O.A.NOS. 319, 320, 321, 322, 323, 340, 341, 342
& 332 ALL OF 2024
(Shital S. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri V.B. Wag, learned counsel for the applicants in O.A.Nos. 319 to 323 & 340 to 342 all of 2024, Shri Sameer Kurundkar, learned counsel for the applicant in O.A.No. 332/2024 and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As.

2. S.O. to 19.07.2024 for production of citations by the parties.

3. Status quo grated earlier in all these O.As. to continue till then.

MEMBER (J)

SAS ORAL ORDER 04.07.2024

ORIGINAL APPLICATION NO. 311 OF 2024
(Dr. Namdev V. Korde Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel holding for Shri J.S. Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned counsel for respondent No.5, are present.

Shri S.B. Ghute, learned counsel for respondent No.4, is **absent**.

2. By consent of parties, S.O. to 23.07.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 277 OF 2017
(Shaikh Mehboob Abdul Kareem Vs. State of Maharashtra
& Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

Shri S.R. Shirsath, learned counsel holding for Shri S.S. Jadhavar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 05.07.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 395 OF 2017
(Shobha R. Pathak Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

Shri D.S. Mutalik, learned counsel holding for Shri S.D. Joshi, learned counsel for the applicant, Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3, are present.

2. S.O. to 05.07.2024 for final hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 502 OF 2017
(Public Prosecutors Association, Maharashtra State,
Through its President & Vice President Vs. State of
Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

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

2. S.O. to 05.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 508 OF 2017
(Syed Azam Syed Lal Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. In view of leave note of learned counsel for the applicant, S.O. to 16.07.2024 for final hearing.

MEMBER (J)

M.A.NO. 331/2023 IN O.A.NO. 532/2007
(Amir Khan Ibrahim Khan Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Smt. A.N. Ansari, learned counsel for the applicant has filed a **leave note**. Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 16.07.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 04.07.2024

ORIGINAL APPLICATION NO. 596 OF 2023
(Dattu R. Sonawane Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 12.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 97 OF 2024
(Govind B. Hambarde Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri R.A. Joshi, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof is given to the other side.

3. Learned counsel for respondent No. 3 seeks time to file affidavit in reply. Time granted.

4. S.O. to 23.07.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 231 OF 2022
(Bharat L. Rudrawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 267 OF 2022
(Subhash B. Selukar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 14.08.2024 for hearing.

MEMBER (J)

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

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

DATE : 04.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for respondent No. 4, S.O. to 11.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 964 OF 2022
(Vijaykumar M. Nawale Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri Saket Joshi, learned counsel holding for Shri Avinash Deshmukh, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for respondent No. 5, are present.

2. Even though the last chance is given, no affidavit in reply has been filed by the respondents.

3. List the matter for admission hearing on 02.09.2024 with liberty to the other side to file affidavit in reply, if any till then.

MEMBER (J)

M.A. No. 38/2024 in O.A. St. No. 02/2024
(Shankar C. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that during the course of the day affidavit in reply on behalf of respondent Nos. 1 to 6 will be filed in M.A.

3. List the matter for hearing on 03.09.2024.

MEMBER (J)

KPB ORAL ORDER 04.07.2024

ORIGINAL APPLICATION NO. 487 OF 2024
(Rajabhau R. Chavan Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent Nos. 1 to 4. Same is taken on record and copy thereof is given to other side.

3. List the matter for filing rejoinder affidavit, if any and admission hearing on 04.09.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 135 OF 2024
(Abdul Naeem Abdul Jabbar Shaikh Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof is given to learned counsel for the applicant.

3. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent Nos. 1 to 3 and learned counsel for the applicant also seeks time to file rejoinder affidavit. Time granted.

4. S.O. to 25.07.2024.

MEMBER (J)

**MA 257/2024 in Review 6/2024 in OA 161/2024
(Mahesh R. Gode Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri A.B. Kharosekar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities

2. Issue notices to the respondents in M.A. and Review Application, returnable on 09.08.2024.

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

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

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

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

7. S.O. to 09.08.2024.

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

MEMBER (J)

M.A. No. 258/2024 in O.A. St. No. 1214/2024
(Baburao M. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Issue notices to the respondents in M.A., returnable on 05.09.2024.

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

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

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

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

7. S.O. to 05.09.2024.

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

MEMBER (J)

M.A. No. 261/2024 in O.A. St. No. 1301/2024
(Dr. Gopal P. More Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. The applicant has shown the delay in the application as 494 days, whereas the office has raised an objection that there is a delay of 27 years, 7 months and 28 days. Thus, keeping the said objection open, issue notices to the respondents in M.A., returnable on 27.08.2024.

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

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

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

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

7. S.O. to 27.08.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 307 OF 2023
(Sarika B. Wandhekar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Even though the present Original Application is allowed with the reasons to follow by order dated 27.06.2024, it appears that the applicant is not challenging the order dated 20.04.2019 passed by the respondent No. 3 being a disciplinary authority, but only challenged the order passed by appellate authority dated 16.02.2022, thereby confirming the order passed by the disciplinary authority i.e. respondent No. 3 herein.

3. In view of above, the applicant to carry out necessary amendment in the present O.A. in the light of the above observations within a period of two weeks and submit the amendment copy of the O.A. and served the same to the learned Presenting Officer.

4. S.O. to 18.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 710 OF 2018
(Rajendra S. More Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri P.B. Patil, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant has placed on record chronological short notes. Same is taken on record.

3. Learned Presenting Officer seeks short time to make appropriate submissions, for which learned counsel for the applicant has raised strong objection. However, in the interest of justice, time granted as a last chance.

4. It is a part heard matter. S.O. to 15.07.2024 for further hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1018 OF 2022
(Mangilal N. Shirsath Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Heard Smt. Suchita Dhongde, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities for some time.

2. In compliance with the directions given in the order dated 04.03.2024, learned Presenting Officer has submitted affidavit in reply on behalf of all the respondents along with a copy of G.R. dated 23.05.2023, on 28.03.2024. On perusal of the same, prima-facie, it appears that para No. 24 of the said affidavit in reply dated 27.03.2024 speaks about the superannuation pensionary benefits and other ancillary benefits have been allotted to the applicant. However, copy of Form-6 is contrary to the averments made in para No. 24 of the affidavit in reply. Even though as directed by the Hon'ble Apex Court the reckoning date is treated as 31.03.1997, however, the commencement of service of the applicant as Muster Assistant is stated in Form-6 as 04.01.2006.

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O.A. No. 1018/2022

3. Learned Presenting Officer is directed to keep the responsible person present from the concerned respondent/s office and after taking instructions from him in this context, make appropriate submissions on the next date of hearing.

4. It is a part heard matter. S.O. to 18.07.2024 for further hearing.

MEMBER (J)

KPB ORAL ORDER 04.07.2024

ORIGINAL APPLICATION NO. 392 OF 2023
(Vishnu K. Kore Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. The present matter is reserved for orders.

MEMBER (J)

ORIGINAL APPLICATION NO. 751 OF 2023
(Sakharam M. Ghodke Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. In compliance with the directions given in the order dated 27.06.2024, learned Presenting Officer submits copy of the punishment order passed by the disciplinary authority and the order passed by the appellate authority in connection with Shri Sunil Ramdas Podhade and Shri Arun Eknath Kedar respectively. Same are taken on record.

3. Heard both the sides at length.

4. It is a part heard matter. S.O. to 31.07.2024 for citations.

MEMBER (J)

M.A. No. 567/2019 in O.A. St. No. 2091/2019
(Baburao K. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri S.P. Dhoble, learned counsel holding for Shri R.D. Biradar, learned counsel for the applicant and Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 15.07.2024 as a last chance for hearing.

MEMBER (J)

KPB ORAL ORDER 04.07.2024

ORIGINAL APPLICATION NO. 328 OF 2022
(Ashok B. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Even though the last chance is granted, today also learned Presenting Officer seeks time to file sur-rejoinder.

3. Learned Presenting Officer submits that for want of approval the said sur-rejoinder cannot be filed.

4. S.O. to 19.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 596 OF 2022
(Kantabai B. Phad Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri M.U. Shelke, learned counsel for the applicant and Shri M.A. Golegaonkar, learned counsel for respondent No. 5, are **absent**.

Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 12.09.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 868 OF 2022
(Ramdas G. Gangadhare Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 23.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 04 OF 2023
(Sunil L. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri K.B. Jadhav, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No. 4, are present.

2. Learned counsel for respondent No. 2 seeks leave to file affidavit in reply on behalf of respondent Nos. 2 & 4. Leave granted. Affidavit in reply is accepted and copy thereof is given to other side.

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

4. S.O. to 19.07.2024 for hearing.

MEMBER (J)

**O.A. Nos. 324, 325, 326, 327, 328, 329 & 330 all of 2024
(Dr. Manohar T. Jadhav & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicants in all these O.As. and Shri D.M. Hange, learned Presenting Officer for the respondent authorities in all these O.As. Shri R.S. Pawar, learned counsel for respondent No. 5 in O.A. No. 326/2024, is **absent**.

2. Learned Presenting Officer has placed on record a copy of communication 02.07.2024 and submits that certain information is called about the vacancy at the places, of which the applicants who are mentioned in the said communication have exercised their options whether those places are vacant or not, from the Commissioner, Health Services, Mumbai. Copy of the said communication is taken on record and marked as document 'X' for identification. Learned P.O. thus seeks short time. Time granted.

3. S.O. to 11.07.2024 for hearing. Status quo granted earlier to continue till then.

MEMBER (J)

M.A. No. 31/2023 in O.A. St. No. 89/2023
(Dr. Bhagwan V. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Apparently there is a delay of 02 years, 05 months and 11 days caused in filing the accompanying Original Application as claimed by the applicant.

3. By filing the accompanying Original Application, the applicant who has retired in the year 2019 seeking directions to the respondents to make final payment of GPF amount and also prepare the pension papers and forward the same to the Accountant General-II, Nagpur for sanction. The applicant is also seeking directions to make payment of outstanding amount of subsistence allowances for the period of suspension.

4. Learned counsel for the applicant submits that though there was communications from the

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OA St. 89/2023

Accountant General-II, Nagpur to Medical Superintendent, Sub-District Hospital, Gangakhed, Dist. Parbhani dated 03.12.2019 and to the Medical Officer, Sub-District Hospital, Gangakhed, Dist. Parbhani dated 26.02.2020, however no final decision has been taken about the entitlement of the applicant. Learned counsel submits that though the applicant is retired way back in the year 2019, he has not received the pensionary benefits and as such, even if there is a delay in approaching this Tribunal, the same is not intentional or deliberate. Learned counsel thus submits that the delay may be condoned.

5. Learned Presenting Officer has strongly resisted the application on the ground that there is an inordinate delay caused in filing the accompanying Original Application, for which no satisfactory explanation has been given by the applicant. Learned P.O. submits that there is no substance in the present Misc. Application seeking condonation of delay and the same is liable to be dismissed.

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OA St. 89/2023

6. It appears that the applicant was serving as Medical Officer and he remained under suspension for the period from 13.12.2004 to 02.05.2011. It appears that the applicant did not get the pensionary benefits, though prima-facie found to be entitled. There is a recurring cause of action till the final decision is taken about the claim of release of pensionary benefits. Furthermore even though there is delay in technical sense, the delay is not deliberate or intentional one. Thus considering the entire aspect of the case, I am inclined to condone the delay caused in filing the accompanying Original Application, subject to payment of costs by the applicant. Hence, the following order :-

ORDER

- (i) Misc. Application No. 31/2023 is hereby allowed.
- (ii) The delay of 02 years, 05 months and 11 days caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment

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MA 31/2023 in
OA St. 89/2023

of costs of Rs. 1,000/- (One Thousand Only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.

- (iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.
- (iv) The M.A. accordingly disposed of.

MEMBER (J)

O.A. St. No. 89/2023

(Dr. Bhagwan V. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. After registration, issue notices to the respondents, returnable on 06.09.2024.

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

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

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

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

7. S.O. to 06.09.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 717 OF 2023
(Rajendra D. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer submits that the short affidavit is ready and the officer has also come for verification. Learned P.O. thus seeks short time. Time granted.

3. It is a part heard matter. S.O. to 11.07.2024 for further hearing.

MEMBER (J)

Later on :-

4. Learned Presenting Officer submits short affidavit on behalf of respondent No. 1 to 4. Same is taken on record and copy thereof is already given to learned counsel for the applicant.

5. It is a part heard matter. S.O. to 11.07.2024 for further hearing.

MEMBER (J)

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

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

DATE : 04.07.2024

ORAL ORDER :

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

2. It is a part heard matter. At the request of learned P.O., S.O. to 11.07.2024 for further hearing.

MEMBER (J)

Later on :-

3. Learned Presenting Officer submits short affidavit on behalf of all the respondents. Same is taken on record along with spare copy for the applicant.

4. It is a part heard matter. S.O. to 11.07.2024 for further hearing.

MEMBER (J)

C.P.NO. 20/2024 IN O.A.NO. 792/2023
(Jyoti Rajaram Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 2 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. List the matter for further consideration on 15.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.07.2024-HDD

**ORIGINAL APPLICATION NO. 115 OF 2019
(Santosh Bansi Jadhav & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

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

2. At the request of learned counsel for the applicants, S.O. to 09.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.07.2024-HDD

ORIGINAL APPLICATION NO. 959 OF 2022
(Amol Nagnath Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

Shri S.P. Urgunde, learned counsel for respondent No. 3 (**absent**).

2. Today the matter could not be heard due to paucity of time. It was heard some time on the previous date and kept in part heard category. On perusal of the record it appears that the record in respect of the enquiry conducted by the Vishakha committee will be necessary. Learned P.O. is, therefore, directed to produce such record on the next date.

3. S.O. to 17.07.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 374 OF 2022
(Vijay Damodhar Dehade Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Due to paucity of time the matter could not be heard today.
3. S.O. to 23.07.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.07.2024-HDD

**ORIGINAL APPLICATION NO. 386 OF 2022
(Lata Damodhar Dehade Vs. State of Maharashtra & Ors.)**

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

DATE : 04.07.2024

ORAL ORDER :

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

2. Due to paucity of time the matter could not be heard today.
3. S.O. to 23.07.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.07.2024-HDD

ORIGINAL APPLICATION NO. 249 OF 2021
(Dr. Pandit Raosahe Rathod & Ors. Vs. State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 251 OF 2021
(Dr. Swapnil S. Ajabe & 33 Ors. Vs. State of Maha. & Ors.)

ORIGINAL APPLICATION NO. 177 OF 2022
(Dr. Pravin Karbhari Dhakne Vs. State of Maha. & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities. None appears for the other respondents.

2. All the Original Applications stand allowed. Detail order to follow.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.07.2024-HDD

M.A.NO.310/2023 IN O.A.NO.702/2018
(Dashrath G. Bhure & Ors. Vs. State of Maharashtra & Ors.)
O.A.NO.341/2019
(Komal R. Rathod & Ors. Vs. State of Maharashtra & Ors.)
O.A.NO.589/2018
(Govind G. Khatgaye Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri V.B.Wagh, learned Counsel for applicants in M.A.310/23, Shri A.M. Nagarkar, learned Counsel for applicants in O.A.341/2019 and Shri V.G.Pingle, learned Presenting Officer for respondent authorities

Shri S.S.Patankar, learned Counsel for applicant in O.A.589/18 is absent.

2. The matter is heard at length and reserved for orders.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 892 OF 2018
(Dhananjay D. Chandodkar & Ors. Vs. State of Maharashtra
& Ors.)

ORIGINAL APPLICATION NO. 901 OF 2018
(Bhagwat Shivaji Somase Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicants and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.07.2024-HDD

ORIGINAL APPLICATION NO. 387 OF 2023
(Sachin Madhukar Landge Vs. State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

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

2. S.O. to 29.07.2024. Interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 04.07.2024-HDD

ORIGINAL APPLICATION NO. 681/2024
(Dinesh Ramesh Mangale Vs. The State of Maharashtra & Ors.)

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

DATE : 04.07.2024

ORAL ORDER :

Heard Shri Vishal S. Kadam, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Applicant has been working as Driver on temporary and daily wage basis in the office of Project Officer, Tribal Integrity Development Project, Dhule since 04.09.2015. The applicant has been working on the aforesaid basis and every time by giving technical breaks he has been time to time issued with the appointment orders for the further period and last such appointment was issued in favour of the applicant on 20.02.2024. The copy of the said order is placed on record. The present Original Application is filed seeking quashment of Government Resolution dated 16.11.2022 issued by respondent no. 01. The applicant has also sought the quashment of the communication dated 25.05.2023 issued by respondent no. 02. The

applicant then has prayed for directing the respondents to regularize the services of the applicant as Driver as per G.R. dated 06.02.2023. While seeking issuance of notices against the respondents, the applicant has sought interim relief thereby directing the respondents to continue the applicant in service pending hearing and final disposal of the present O.A.

3. Learned counsel for the applicant has brought to our notice the order passed by the Hon'ble Bombay High Court, Bench at Aurangabad in writ petition No. 4385/2023 along with other writ petitions decided on 24.04.2023. Reliance is also placed by the learned counsel on the order passed by the Hon'ble Division Bench of Bombay High Court, Bench at Aurangabad in writ petition No. 5867/2015 dated 31.10.2018.

4. Learned Presenting Officer sought time to file affidavit in reply stating that unless the instructions are received, it may not be possible for him to make any submission on the facts of the case. Learned P.O., however, submitted that the applicant is

presently not on work. In the circumstances, the order as has been sought by the applicant by way of interim relief may not be granted by the Tribunal. The learned thereupon submitted that the applicant is presently working with the respondents though there is no formal written order in his favour.

5. We have duly considered the submissions made on behalf of the applicants, as well as, the learned P.O. Though it has been submitted on behalf of the State that the Government has now decided to outsource the work of Driver and now has resolved not to fill up the post on the establishment, wherever it was available, the present applicant has been issued with the order of appointment on 20.02.2024 i.e. after the period of about one year when the decision was taken of outsourcing the work. From the record, which is brought on record, there is every reason to believe that the applicant is working, may be with technical break, on daily wage basis since last more than 07 years. Though there is nothing on record to show that the applicant is presently on work, since it is revealing from the last order that his services would come to an end on 29.04.2024.

6. Learned counsel pointed out that it is the practice being followed that the appointment orders are issued and effect is given retrospectively to the said orders. The order as is produced on record at page 38 of the paper book reveals the said position. However, unless the contention of the applicant is accepted by the respondents or some proof is placed on record, no conclusion can be drawn that the applicant is presently working with the respondents. In the circumstances the interim relief as has been sought by way of prayer clause (B) is difficult to be granted in favour of the applicant. Even no such order can be passed that the applicant shall not be discontinued. However, considering the fact that the applicant has been working with the respondents for couple of years as daily rated worker on contract basis, the respondents only can be directed that if at all if any other person is appointed that too on contract basis, then except the applicant no other person is to be appointed in his place. Hence, we pass the following order:-

ORDER

(i) Issue notice to respondents, returnable on 01.08.2024. **If the applicant is presently also working with the respondents, he shall not be discontinued until further orders and in case he has been discharged, no other person be appointed on contract basis on the post of Driver except the applicant in case the services of the Driver are required for the said office.**

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

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

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

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

(vi) S.O. to 01.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 685/2024
(Satish Shahu Chavan Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 04.07.2024

ORAL ORDER :

Heard Shri K.G. Salunke, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant insisted for the interim relief, thereby restraining the respondents from proceeding with the enquiry so initiated against the applicant. Learned counsel submitted that the applicant retired on attaining the age of superannuation on 30.09.2022 and the statement of charge dated 06.02.2024 has been served upon him thereafter on 27.03.2024. Learned counsel submitted that since the statement of charge has been issued against the applicant after his retirement, the respondents were under an obligation to obtain the necessary permission as provided under rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982, which has not been

obtained in the present matter. Learned counsel further submitted that so far as the misconduct alleged against the applicant is concerned, in the preliminary enquiry conducted in the matter by the Sub-Divisional Officer, Osmanabad nothing has been revealed against the applicant and the S.D.O. has recorded finding that from the enquiry made by him no such conclusion can be arrived at that the applicant behaved in indiscipline or irresponsible manner. In the circumstances, the learned counsel has prayed for staying the further enquiry proceedings in the matter.

3. Learned Chief Presenting Officer has opposed for grant of any such relief stating that if the charges alleged against the applicant in to which the enquiry has been directed is concerned, they are altogether different from the charges, which were enquired into by the S.D.O. Learned C.P.O. also pointed out that the preliminary report submitted by the District Superintendent of Police, Osmanabad, which is page nos. 25 to 28 of the paper book and another report submitted by the SDPO. Learned C.P.O. further pointed out that the enquiry has already commenced

and the applicant has participated in the said enquiry and has submitted before the Enquiry Officer the name of person as next friend for defending him in the enquiry.

4. The entire thrust of the applicant is that without obtaining prior permission from the Government the enquiry has been initiated against him after his retirement. Learned counsel has placed reliance on the judgment of the Hon'ble Division Bench of the Bombay High Court in the case of **Dr. Dipak Vishwanathrao Muley Vs. The State of Maharashtra & Ors., writ petition No. 11955/2018** dated 15.01.2022.

5. After having considered the facts and circumstances involved in the present matter and more particularly having considered the fact that the applicant has appeared and participated in the enquiry and has also appointed his next friend to defend him in the enquiry, there appears no prima-facie case in favour of the applicant. Whether the permission has been sought from the Government or not that can be revealed from the affidavit in reply of

the respondents. Needless to say that if it is noticed that the ratio laid down in the judgment of the Hon'ble Supreme Court in the aforesaid matter would squarely apply in the present matter, the necessary order would follow, however, at present without reply of the respondents no certain conclusions can be recorded. In the circumstances, we are not inclined at this stage to accept the request of the applicant to stay further enquiry proceedings in the matter. The respondents are directed to submit the affidavit in reply by the next date and specifically submit whether the compliance as required u/s 27(2)(b) of the M.C.S. (Pension) Rules is made or not. Hence, we pass the following order:-

ORDER

- (i) Issue notice to respondents, returnable on 07.08.2024.
- (ii) Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- (iii) Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

(vi) S.O. to 07.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 483/2024
(Manohar S. Alone Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 04.07.2024

ORAL ORDER :

Shri R.J. Nirmal, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. Learned Chief Presenting Officer has sought time to file affidavit in reply till 09.07.2024. time granted as prayed for.

3. S.O. to 09.07.2024 in the Urgent Matters category.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 864/2023
(Amarsingh R. Hazari Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 04.07.2024

ORAL ORDER :

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

2. S.O. to 26.07.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 913/2023
(Bhausahab R. Sarawade Vs. The State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 04.07.2024

ORAL ORDER :

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities, are present.

2. S.O. to 26.07.2024. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN