

ORIGINAL APPLICATION NO. 672 OF 2019
(Mahesh D. Tipale Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri V.G. Salgare, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities, is present.

2. Though the present matter is pending since 2019 for filing rejoinder affidavit, the same has not been filed by the applicant till today. It appears that the applicant is not interested in filing the rejoinder affidavit.

3. In view of above, list the matter for admission hearing on 19.08.2024.

MEMBER (J)

ORIGINAL APPLICATION NO. 565 OF 2024
(Dr. Shivaji J. Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri S.D. Joshi, learned counsel for the applicant, Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri G.L. Deshpande, learned counsel for respondent No. 5, are present.

2. At the request of learned counsel for respondent No. 5, so also, learned Presenting Officer, time is granted for filing affidavit in reply.

3. S.O. to 24.07.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

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

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer seeks leave to file separate affidavits in reply on behalf of respondent Nos. 2 and 3 respectively, when the present matter is listed for admission hearing. In the interest of justice, leave is granted. The affidavits in reply are accepted and copies thereof are given to learned counsel for the applicant.

3. Learned counsel for the applicant seeks some time to go through the said affidavits in reply and file rejoinder, if it is required. Time granted.

4. S.O. to 24.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 154 OF 2020
(Venkatesh V. Joshi Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri Mujahed Hussain, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent No. 4, are present.

2. As none present for the applicant, S.O. to 08.08.2024 for hearing.

MEMBER (J)

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

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities. Shri Amol Kokad, learned counsel for respondent No. 4, is **absent**.

2. At the request of learned Presenting Officer, S.O. to 15.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 499 OF 2023
(Yamunabai M. Choudhari Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri A.S. Hazari, learned counsel holding for Shri Datta Amadake, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer on instructions submits that the department has submitted proposal on 11.06.2024 about entitlement of the applicant for family pension and the same is under consideration. Copy of the said proposal dated 11.06.2024 is taken on record and marked as document 'X' for identification.

3. Learned counsel for counsel for the applicant submits that even though the proposal was forwarded on 11.06.2024, till this date there is no progress.

4. Learned Presenting Officer is requested to take further instructions about the present status of the said proposal.

5. S.O. to 19.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 843 OF 2023
(Bhagwat M. Kavhar Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri M.K. Bhosale, 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. 3, are present.

2. At the request of learned Presenting Officer, S.O. to 16.07.2024 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 844 OF 2023
(Sunil D. Kakde Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri M.K. Bhosale, 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. 3, are present.

2. At the request of learned Presenting Officer, S.O. to 16.07.2024 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 : 05.07.2024

ORAL ORDER :

Shri Sachin Tambe, 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. At the request of learned counsel for the applicant, S.O. to 08.07.2024 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 : 05.07.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri S.B. Mene, learned counsel for respondent Nos. 2 & 3 for some time.

2. Part heard.

3. S.O. to 19.07.2024 for further hearing.

MEMBER (J)

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

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

DATE : 05.07.2024

ORAL ORDER :

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

2. In compliance with the directions given in the order dated 12.02.2024, learned counsel for the applicant, so also, learned Presenting Officer seek time to file short affidavit as directed. Time granted.
3. S.O. to 24.07.2024 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 567 OF 2017
(Bebabai P. Koli (Sapkale) Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri Vinod Patil, learned counsel for the applicant (**Absent**). Shri D.M. Hange, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant, however, learned counsel Shri S.P. Dhobale, holding for Shri Vinod Patil, was present on last occasion.

3. Thus considering the same, S.O. to 12.08.2024, as a last chance for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 1049 OF 2019
(Pralhad L. Bhalerao Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri A.D. Kawre, learned counsel for the applicant (**Absent**). Smt. Resha Deshmukh, learned Presenting Officer for the respondent authorities and Shri M.S. Mahajan, learned counsel for respondent No. 4, are present.

2. Though at the request of learned counsel for the applicant the present matter is listed today for final hearing, Shri A.D. Kawre, learned counsel for the applicant is absent, when the matter is called out.

3. S.O. to 26.07.2024 as a last chance for final hearing.

MEMBER (J)

**M.A.NO. 373/2023 IN O.A.ST.NO. 1267/2023
(Rameshwar S. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent No.3.

2. There is a delay of 3 years, 6 months and 49 days caused in filing the accompanying Original Application.

3. Learned counsel for the applicant submits that by filing the accompanying Original Application the applicant is seeking direction that the impugned communication dated 16.11.2018 issued by the respondent No.1 thereby rejecting the application filed by the applicant seeking compassionate appointment on the ground of delay in filing such application be quashed and set aside and further seeking direction to consider the name of the applicant for compassionate appointment.

//2// M.A. 373/2023 in
O.A.St. 1267/2023

4. Learned counsel for the applicant submits that the father of the applicant who was Government servant died in harness in the year 1995. The mother of the applicant namely Sonabai had applied for grant of compassionate appointment and her name was also included in the waiting list. However she could not get the appointment on compassionate ground on account of attaining the age of 40 years. Ultimately she expired on 08.04.2007, when the applicant was 16 years old. The applicant has one younger brother and five elder sisters. The sisters were married during the life time of his father and mother respectively.

5. Learned counsel for the applicant submits that even after the death of mother, the department has not given understanding to the applicant that after attaining the age of majority, he can file an application for compassionate appointment. The applicant had initially approached to Lokayukta for the purpose of compassionate appointment so also

//3// M.A. 373/2023 in
O.A.St. 1267/2023

the family pension. However, to the extent of family pension, the Lokayukta has made the observation in favour of the applicant and so far as the compassionate appointment is concerned, the Lokayukta has observed that it is for the department to consider the same in terms of the appropriate G.Rs. Learned counsel submits that though there is a long delay in getting appointment on compassionate ground after the death of father, however, the applicant who is 30 years of age is in private service and his brother is still taking education and working on daily wages.

6. Learned counsel for the applicant submits that the delay caused in approaching this Tribunal is for want of legal knowledge about the remedy available before this Tribunal. Further during the period of 2020 to 2022 there was outbreak of Covid-19 pandemic in the entire country and therefore, the applicant could not avail legal remedy. Consequently, there is a delay in approaching this Tribunal and the same is not intentional or deliberate one.

//4// M.A. 373/2023 in
O.A.St. 1267/2023

7. Learned counsel Shri S.B. Patil representing the respondent No.3 has strongly resisted the application on the ground that the applicant has knowledge to approach before Lokayukta for redressal of his grievances and in view of same, it is difficult to believe that he was not knowing about remedy available before this Tribunal. Learned counsel for the respondent No.3 submits that the applicant has not bothered to inform the department about the death of his mother. Learned counsel for the respondent No.3 submits that the applicant has slept over his right, for years together and in view of same, there is an inordinate and deliberate delay in approaching this Tribunal. There is no substance in the Misc. Application and the same is liable to be rejected.

8. Learned counsel for respondent No. 3 has placed his reliance on the judgment and order passed by the Hon'ble Supreme Court in Special leave to Appeal (C) No. (s). 20773/2019. However, the same may be helpful to the learned counsel for

//5// M.A. 373/2023 in
O.A.St. 1267/2023

respondent No.3 in the Original Application, if the delay is condoned.

9. Learned Presenting Officer has also resisted the application on the similar grounds as raised by the learned counsel for respondent No.3 and submits that there is no substance in the application and the same is liable to be rejected.

10. This pertains to compassionate appointment. Even though after the death of father of the applicant in the year 1995 in harness, the name of mother of the applicant was included in waiting list, however, for years together the mother of applicant could not get appointment and her name was removed from waiting list on attaining the age of 40 years. Ultimately the mother of applicant also died in the year 2007 when the applicant was 16 years of age. Further the department has not given understanding to the applicant and his family members about their entitlement to seek compassionate appointment on attaining the age of majority. Furthermore, due to Covid-19 pandemic outbreak and declaration of lockdown by the Government from time to time, the applicant could

//6// M.A. 373/2023 in
O.A.St. 1267/2023

not take effective steps. However, the Hon'ble Supreme Court of India in **Suo Motu Writ Petition (C) No. 3 of 2020** has considered the outbreak of the pandemic Covid-19 and further lockdown announced in the Country and extension of the lockdown period continued upto the year 2021 and thus directed that the delay if any caused in approaching the Courts/Tribunals or any other forum required to be considered from the date as specified in the said order.

11. In view of above, in my considered opinion, there is no intentional or deliberate delay in approaching this Tribunal. The applicant has prevented from sufficient cause to approach this Tribunal in time. I am thus inclined to condone the delay subject to costs. I compute the costs of Rs. 1,000/- (One Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 373/2023 is allowed in following terms:-

- (A) The delay of 3 years, 6 months and 49 days caused in filing the accompanying O.A. under

//7// M.A. 373/2023 in
O.A.St. 1267/2023

Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to costs of Rs. 1,000/- (One Thousand only). The amount of costs to be paid to the Bar Association of this Tribunal and after depositing the said amount, the applicant shall produce the receipt before the office of this Tribunal.

- (B) 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.

MEMBER (J)

ORIGINAL APPLICATION ST.NO. 1267 OF 2023
(Rameshwar S. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant, Shri A.P. Basarkar, learned Presenting Officer for the respondent authorities and Shri S.B. Patil, learned counsel for respondent No.3.

2. Issue notices to respondents in, returnable on 18.09.2024.

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.

//2// O.A.St.1267/2023

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 18.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**M.A.NO. 263 OF 2024 IN O.A.NO. 689 OF 2024
(Sanjivani B. Musale Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Issue notices to 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.

//2// M.A. 263/2024 In
O.A.689/2024

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)

SAS ORAL ORDER 05.07.2024

ORIGINAL APPLICATION NO. 575 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 3 & 4. The same is taken on record and copy thereof is given to other side. Learned P.O. submits that the other respondents are adopting the affidavit in reply filed by respondent Nos. 3 & 4.

3. Learned counsel for the applicant submits that the applicant is not willing to file any rejoinder.

4. S.O. to 12.07.2024 for hearing in **urgent admission category**.

MEMBER (J)

ORIGINAL APPLICATION NO. 430 OF 2024
(Ajit B. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Not on board. Taken on board.

3. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 2 to 4. The same is taken on record and copy thereof is given to learned counsel appearing for the applicant.

4. Learned counsel for the applicant submits that this Original Application is filed challenging the show cause notice issued against the applicant stating therein that as to why he should not be suspended.

5. Learned counsel for the applicant submits that further during pendency of this Original Application, the respondent authorities have passed the suspension order which the applicant is challenging by filing another Original Application No. 575/2024.

//2// O.A.No. 430/2024

Learned counsel for the applicant thus submits that this Original Application has become infructuous.

6. In view of above submissions, this Original Application is disposed of as become infructuous. No costs.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

ORIGINAL APPLICATION NO. 611 OF 2024
(Sambhaji B. Londhe Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Learned Presenting Officer has raised an objection that the applicant has no locus to challenge the extension order passed in favour of the respondent No.3 who is presently working as Police Patil of the village Maka, Tq. Newasa, Dist. Ahmednagar.

3. In view of above, by keeping the point of locus open, issue notices to respondents, returnable on 23.08.2024.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with

//2// O.A. 611/2024

complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. to 23.08.2024.

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

MEMBER (J)

ORIGINAL APPLICATION NO. 653 OF 2024
(Jagannath Divanrao Barse Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 09.09.2024.

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.

//2// O.A.No. 653/2024

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 09.09.2024.

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

MEMBER (J)

SAS ORAL ORDER 05.07.2024

ORIGINAL APPLICATION NO. 687 OF 2024
(Sudhir Hanamant Fulari Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Issue notices to respondents, returnable on 22.08.2024.
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.

//2// O.A.No. 687/2024

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. It is needless to say that during pendency of this Original Application, if the respondent authorities have proceeded further to appoint any other person to the post of Police Patil of village Majare Sangavi, Tq. Loha, Dist. Nanded, the same would be subject to outcome of this Original Application.

8. S.O. to 22.08.2024.

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

MEMBER (J)

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

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri S.Y. Patil, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri Sudhir Patil, learned counsel for respondent Nos. 6 to 8.

2. This is a part heard matter.

3. Both the advocates representing the parties so also the learned P.O. are directed to find out as there is possibility of amicable settlement between the parties.

4. S.O. to 07.08.2024 for further hearing.

MEMBER (J)

**M.A.NO. 41 OF 2023 IN O.A.ST.NO. 346 OF 2021
(Surykant S. Bhalerao Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

Shri P.V. Suryawanshi, 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 13.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**M.A.NO. 425/2023 IN O.A.ST.NO. 1366/2023
(Gambhir K. Mangale Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

Shri S.A. Raut, learned counsel holding for Shri N.L. Choudhary, 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 22.07.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

M.A.NO. 471/2023 IN O.A.ST.NO. 1797/2023
(Dr. Yadav S. Sonkamble Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

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 counsel for the applicant seeks time to file synopsis of events to explain the delay. Time granted.

3. S.O. to 23.7.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**M.A. 101/2024 IN M.A. 209/2022 IN O.A.ST. 108/2021
(Ashok R. Jujgar Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

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

2. In view of absence of learned counsel for the applicant, S.O. to 20.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**ORIGINAL APPLICATION NO. 427 OF 2019
(Ranjeet S. Savale (Dhangar) Vs. State of Maharashtra &
Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

Smt. Suchita A. Dhongde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.08.2024 for final hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

ORIGINAL APPLICATION NO. 239 OF 2022
(Surajkumar N. Vanje Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

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

2. S.O. to 13.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**M.A.NO. 521/2023 IN O.A.ST.NO. 2116/2023
(Shivaji S. Chemte Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Learned P.O. submits affidavit in reply on behalf of respondent No.2. The same is taken on record and copy thereof is given to other side.

3. S.O. to 10.09.2024 for filing affidavit in rejoinder, if any and for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

ORIGINAL APPLICATION NO. 544 OF 2023
(Umesh D. Palve Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri Sachin Tambe, learned counsel holding for Shri S.S. Jadhavar, 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 P.O., time granted as a last chance for filing affidavit in reply on behalf of respondents.

3. S.O. to 15.07.2024. The interim relief granted earlier to continue till then.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**ORIGINAL APPLICATION NO. 763 OF 2022
(Shivram Narayan Dhapate Vs. State of Maharashtra &
Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

Shri Rupesh Hake, learned counsel holding for Shri P.M. Shinde, 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 13.09.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**ORIGINAL APPLICATION NO. 164 OF 2021
(Balu Anna Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities, are present.

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

MEMBER (J)

SAS ORAL ORDER 05.07.2024

**M.A.No. 508/2022 in O.A.St.No. 1894/2022
(Eknath G. Myskar Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

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

2. Even though the last chance is granted, no reply has been filed on behalf of respondents.

3. In view of above, list the matter for hearing on 29.08.2024 with liberty to other side to file reply, if any till then.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

O.A.NOS. 543/2019, 766/2021, 970/2022,
973/2022, 806/2022, 845/2022, 10/2022,
269/2022, 366/2022, 438/2022, 648/2022,
649/2022, 783/2022, 864/2022, 972/2022,
1089/2022, T.A. 12/2023 (W.P. 6494/2022),
33/2023, 214/2023, 39/2022, 44/2022, 99/2022,
173/2022, 273/2022, 81/2023, 427/2019,
381/2021, 686/2021, T.A. 06/2022 (W.P.
6466/2022), 410/2022, 522/2022, 577/2022,
603/2022, 1144/2022, 1154/2022, 591/2021,
01/2020, 781/2021, 275/2022, 1036/2022,
325/2023, 536/2020, 296/2021, 550/2021,
796/2021, 185/2023, 427/2023, 647/2023,
18/2024, 405/2022, 367/2023, 793/2023,
1026/2023, 40/2024, 547/2024, 814/2023,
1095/2023 AND M.A. 105/2024 In O.A.St.No.
549/2024.

(Shivprasad C. Potpalliwar & Ors. Vs. State of Maharashtra
& Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

S/Shri G.J. Karne, Shri V.B. Wagh, Shri N.P. Bangar, K.B. Jadhav, M.K. Bhosale, S.D. Joshi, A.D. Aghav, A.S. Shelke, Smt. Sanjivani K. Deshmukh-Ghate, H.P. Jadhav, Smt. Vidya A. Taksal, R.P. Adgaonkar, A.V. Thombre holding for Shri S.S. Thombre, V.B. Dhage, Subhash Chilarge, V.P. Kadam, Shri P.S. Gaikwad, Shri M.B. Kolpe, K.M. More, N.P. Dube, B.G. Deshmukh, Avinash Deshmukh, S.D. Kotkar, S.D. Kotkar, R.I. Wakade, Mohit Deshmukh, S.B. Coudhari, Mujahed Hussain, A.R. Tapse, Avinash

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Khedkar, A.D. Gawale, M.R. Deshmukh, A.D. Gadekar, Amol S. Gandhi, C.V. Dharurkar, B.K. Patil, V.B. Wagh, B.B. Kulkarni, B.N. Gadegaonkar, A.B. Rajkar, S.T. Mahajan, U.S. Mote holding for Bharat R. Waramma, Vijay S. Wakale and Amol S. Gandhi, respective learned counsel for the applicants in respective matters, Shri D.M. Hande, A.P. Basarkar & Smt. R.S. Deshmukh, respective learned Presenting Officer for the respective respondent authorities in respective matters, Shri M.P. Gude, learned counsel for respondent No. 1 & 3 in O.A. 269/2022, Shri S.B. Mene, learned counsel for respondent No. 2 & 3 in O.A. 543/2019 & O.A. 973/2022, for respondent Nos. 3 to 6 in O.A. No. 970/2022, for respondent Nos. 3 & 4 in O.A. 783/2022 and for respondent No.2 in O.A.No. 1095/2023, Shri A.V. Patil, learned counsel for respond No.3 in O.A.No. 793/2023, Shri A.S. Reddy, learned counsel for respondent No.2 in O.A.No. 1026/2023, are present.

2. Learned P.O. submits affidavit in reply on behalf of respondent Nos. 1 to 3 in O.A.No. 547/2024. The same is taken on record and copy thereof is given to other side.

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3. At the request of learned counsel for the applicant, time granted for filing affidavit in rejoinder, if any in O.A.No. 547/2024.

4. By consent of parties, S.O. to 08.08.2024 for hearing.

MEMBER (J)

SAS ORAL ORDER 05.07.2024

ORIGINAL APPLICATION NO.1037/2022
(Vijaysing K. Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri A.M.Hajare, learned Counsel for the applicant and Shri M.B.Bharaswadkar, learned Chief 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)
YUK ORAL ORDER 05.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.196/2021
(Sandip P. More Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Smt. Rutuja Kulkarni, learned Counsel holding for Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri M.B.Bharaswadkar, 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)
YUK ORAL ORDER 05.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO.503/2024
(Emam Najir Mirza Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri I.D.Maniyar, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 05.07.2024

VICE CHAIRMAN

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

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

DATE : 05.07.2024

ORAL ORDER :

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

2. S.O. to 26-07-2024. Interim relief granted
earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 05.07.2024

VICE CHAIRMAN

**ORIGINAL APPLICATION NO.487/2024 & 488/2024
(Rajesh J. Gangurde & Anr. Vs. State of Maharashtra & Ors.)**

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

DATE : 05.07.2024

ORAL ORDER :

Shri V.B.Wagh, learned counsel for the applicant and Shri V.G.Pingle, 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)
YUK ORAL ORDER 05.07.2024

VICE CHAIRMAN

M.A.NO.357/2023 IN O.A.NO.06/2023
(State of Maharashtra & Ors. V/s. Pandurang G. Lomole)

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

DATE : 05.07.2024

ORAL ORDER :

Shri M.B.Bharaswadkar, learned Chief Presenting Officer for applicants in M.A./respondent authorities in O.A. and Shri V.B.Wagh, learned Counsel for the applicant in O.A./respondent in M.A., are present.

2. S.O. to 24-07-2024. Interim relief granted earlier to continue till then.

MEMBER (A)
YUK ORAL ORDER 05.07.2024

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 692 OF 2024
(Kadir Hamid Patel Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 13.08.2024.
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 13.08.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 672 OF 2024
(Smt. Priyanka Deelip Wani Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri Ajay S. Deshpande, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned counsel appearing for the applicant seeks leave of this Tribunal to add some of the selected candidates as respondents in the present matter. Leave granted as prayed for.

3. Learned counsel appearing for the applicant further seeks indulgence of this Tribunal for getting addresses of the said respondents. The applicant shall make an application with the office of the learned Chief Presenting Officer praying for addresses of the said respondents. Learned Chief Presenting Officer shall ensure that the addresses are made available to the applicant within a reasonable period.

4. Issue notice to all the respondents, returnable on 08.08.2024.

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.

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O.A. NO. 672/2024

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 08.08.2024.

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

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

ORIGINAL APPLICATION NO. 633 OF 2024
(Sandeep Arvind Patil Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 652 OF 2024
(Samidha S. Survase & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

O.A.NO. 633/2024

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

O.A.NO. 652/2024

Shri Ajay S. Deshpande, learned counsel holding for Shri Desai Legal, learned counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. In both these Original Applications the copy of the O.A. along with documents annexed therewith is to be submitted in the office of learned Chief Presenting Officer. Learned counsel for the applicants undertakes to supply such copies within 2-3 days.

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O.A.NOS. 633 & 652/2024

3. S.O. to 22.07.2024 for filing affidavit in reply by the respondents.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

C.P.NO. 31/2024 IN O.A.NO. 472/2023
(Bajirao Eknath Gadade Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

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

2. When the present matter is taken up for consideration, learned Presenting Officer submits that the respondents have already resolved to grant promotion to the present applicant, however, posting could not be given due to the code of conduct, which was in force because of Assembly Elections. In fact, reason which has been assigned is difficult to be accepted. For complying the orders passed by the Tribunals or Courts the code of conduct may not be barrier. Even that barrier is now not there. We expect that the compliance report will be submitted within 02 weeks.

3. S.O. to 22.07.2024. Steno copy be provided to both the parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 978 OF 2023
(Pooja P. Bachpalle Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Shri D.T. Devane, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Saket Joshi, learned counsel holding for Shri Kunal A. Kale, learned counsel for respondent No. 3, 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. Learned C.P.O. as well as learned counsel for respondent No. 3 have sought two weeks' time for filing affidavit in reply on behalf of respondent Nos. 1 & 3. Time granted by way of last chance.

3. S.O. to 22.07.2024.

MEMBER (A)

VICE CHAIRMAN

C.P.NO. 71/2023 IN O.A.NO. 370/2019
(Yasmin Hashmi W/o Vasim Hashmi Vs. State of Maha. & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Heard Shri Ashish B. Rajkar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, learned Presenting Officer submitted that process of filing writ petition is in progress and hence, sought time.

3. Learned counsel for the applicant has strongly opposed for granting of adjournment stating that same statement was made by the learned Presenting Officer on 4th April, 2024 and till then no progress is seen in the matter. Learned counsel for the applicant submits that order which has been passed by this Tribunal is in respect of releasing pension and pensionary benefits of the applicant, who has retired in the year 2014.

4. Having considered the subject matter it is expected that the learned PO. will place on record further information whether writ petition is filed before the Hon'ble High Court or not within 10 days or else the

:: - 2 - ::

**C.P.NO. 71/2023 IN
O.A.NO. 370/2019**

matter will be taken up for consideration under the provisions of Contempt of Courts Act.

5. S.O. to 15.07.2024.

MEMBER (A)

ORAL ORDER 05.07.2024-HDD

VICE CHAIRMAN

M.A.NO. 181/2024 IN O.A.NO. 468/2022
(State of Maharashtra & Ors. Vs. Mrs. Smita Sanjay Ingle)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the applicants in the present M.A./respondents in O.A. and Shri P.G. Suryawanshi, learned counsel holding for Shri S.B. Talekar, learned counsel for respondent in the present M.A./applicant in O.A., are present.

2. Learned counsel appearing for respondent in the present M.A. submits that during the course of the day affidavit in reply will be filed on behalf of the said respondent. If affidavit in reply is filed it be taken on record and copy thereof be supplied to the other side.

3. S.O. to 12.08.2024 for further consideration.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

ORIGINAL APPLICATION NO. 600 OF 2024
(Shyam Shivajirao Lohi Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Ajay S. Deshpande, learned counsel for respondent No. 3, are present.

2. Learned Presenting Officer submits that during the course of the day the affidavit in reply will be filed in the matter. If the affidavit in reply is filed it be taken on record and copy thereof be supplied to the other side.

3. Learned counsel appearing for respondent No. 3 has tendered across the bar affidavit in reply on behalf of the said respondent and the same is taken on record and copy thereof has been served on the other side.

4. S.O. to 10.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

ORIGINAL APPLICATION NO. 81 OF 2020
(Sudarshan Namdev Shinde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

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

2. S.O. to 24.07.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

ORIGINAL APPLICATION NO. 201 OF 2022
(Dr. Raman Shankarrao Dalvi Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 202 OF 2022
(Dr. Rohit Ramchandra Zarkar Vs. State of Maharashtra & Ors.)

ORIGINAL APPLICATION NO. 203 OF 2022
(Dr. Amol Bhimrao Bansode Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Shri H.P. Jadhav, learned counsel for the applicant and S/Shri M.B. Bharaswadkar, V.R. Bhumkar & V.G. Pingle, learned Chief Presenting Officer and learned Presenting Officers for the respondent authorities, are present.

2. S.O. to 19.07.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

ORIGINAL APPLICATION NO. 674 OF 2018
(Emam Najir Mirza Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Heard Shri I.D. Maniyar, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, learned counsel appearing for the applicant pointed out that during pendency of the present Original Application the applicant has preferred the representation with the respondent authorities seeking correction in the dates which are incorrectly mentioned in the order of termination of the probation period. It is not in dispute that the Original Application has been filed by the applicant seeking direction against the respondents to take decision for terminating his probation period. It is also not in dispute that during pendency of the present Original Application the order came to be passed on 11.10.2018 and thereby the probation period of the applicant has been terminated. Learned counsel has brought to our notice that the date of appointment has been incorrectly mentioned in the said order and now his endeavour is to get corrected that

order for which he has made representation. It appears that the authorities did not decide the representation because of pendency of the present Original Application. In the circumstances, we deem it appropriate to dispose of the present Original Application, without going into the merits of the contention raised therein, by directing respondent No. 1 to decide the representation dated 20.02.2019 submitted by the applicant within the period of 12 weeks from the date of this order. Order accordingly.

3. Needless to state that even thereafter any dispute subsists, the applicant is not precluded from approaching the Tribunal. There shall be no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 81 OF 2020
(Sudarshan Namdev Shinde Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

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

2. S.O. to 24.07.2024. **High on board.**

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

C.P.NO. 34/2024 IN O.A.NO. 526/2022
(Sachin D. Dahihande Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Heard Shri Avinash S. Khedkar, learned counsel for the applicant and Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, learned Chief Presenting Officer submitted that in the selection process which was carried out, the candidate who was selected since was having criminal case pending against him was not selected. Learned C.P.O. further submits that the present applicant who was at Sr. No. 1 in waiting list approached this Tribunal and impugned order has been passed by this Tribunal directing the respondents to appoint him on the post of Talathi. Learned C.P.O. further submits that in the meanwhile period the applicant, who was selected but was not appointed was acquitted from the criminal case and hence, approached the Government claiming appointment according to his selection in the recruitment process. Learned C.P.O. submits that in the circumstances, the order passed by this Tribunal has not

been complied with and the respondents have decided to approach the Hon'ble High Court by filing Writ Petition. It is further contended that within few days writ petition will be filed.

3. Learned counsel appearing for the contempt petitioner has strongly opposed for adjourning the present matter on the aforesaid ground stating that unless there is some order from the Hon'ble High Court, the contempt of the order of this Tribunal continues. It is further contended that sufficient time has elapsed for taking further action by the respondents, which was not taken by them. Learned counsel appearing for the applicant prayed for issuing notice of contempt in the prescribed format to the respondents.

4. We have duly considered the submissions made by the parties. In the instant case it does not appear to us that the respondents are deliberately avoiding to comply the order passed by this Tribunal. In the circumstances, the reasons which are explained by the learned Chief Presenting Officer the respondents have decided to approach the Hon'ble High Court, it appears to us that in such matters reasonable opportunity needs

**:: - 3 - :: C.P.NO. 34/2024 IN
O.A.NO. 526/2022**

to be given to the respondents. We, therefore, adjourn
the matter to 08.08.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

C.P.NO. 36/2024 IN O.A.NO. 823/2021
(Sunil Balaji Sangewar Vs. State of Maharashtra & Ors.)

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

DATE : 05.07.2024

ORAL ORDER :

Heard Shri D.K. Dagadkhair, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent No. 4 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.

3. In the aforesaid affidavit in reply the respondents have stated that the order of which contempt is alleged has been complied with. Learned counsel for the applicant is not disputing the said fact and joint request is made for disposing of the contempt petition. Hence, the following order is passed.

**:: - 2 - :: C.P.NO. 36/2024 IN
O.A.NO. 823/2021**

ORDER

In view of the fact that the order of which contempt is alleged in the present petition has been complied with. The contempt petition stands disposed of with no order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

ORIGINAL APPLICATION NO. 393 OF 2024
(Dr. Shaikh Wahab Ayub Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Heard Shri Kalidas B. Bhise, learned counsel for the applicant and Shri V.G. Pingle, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the learned counsel appearing for the applicant.

3. Learned counsel for the applicant seeks time to file rejoinder to the affidavit in reply filed by the respondents. One week's time is granted.

4. S.O. to 11.07.2024. Interim relief granted earlier to continue till then. If the rejoinder is not filed on or before the next date, the interim relief granted will liable to be vacated.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD

ORIGINAL APPLICATION NO. 700 OF 2021
(Somnath Shankarrao Reddy Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 05.07.2024

ORAL ORDER :

Shri Avinash S. Deshmukh, learned counsel for the applicant, Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities and Shri Ajay Deshpande, learned counsel for respondent No. 7, are present.

2. List the matter for hearing on 20.08.2024. In the meanwhile if the rejoinder affidavit is filed by the applicant, the same may be taken on record.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDER 05.07.2024-HDD