

**ORIGINAL APPLICATION NO.03/2024**  
**(Dr. Balasaheb B. Suroshe Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri J.S.Deshmukh, learned Counsel appearing for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondents.

2. Applicant is intending to apply for the post of Professor in Pediatrics in pursuance of the Advertisement No.337/2023 issued by MPSC on 15-12-2023. For appointment on the said post, the candidate concerned is required to have 3 years' experience as Associate Professor in the subject for which he has to apply of working in recognized Medical College/Institution. It is the case of the applicant that, he has been working as an Associate Professor in the Government Medical College at Jalgaon from 20-09-2019. The order of appointment dated 20-09-2019 is placed on record by the applicant. The aforesaid appointment was given to the applicant for the period of 360 days. Thereafter, the applicant was given appointment on

the second time also for the period of 360 days w.e.f. 15-09-2020 to 09-09-2021. On third time also similar appointment order was issued in favour of the applicant for the period of next 360 days i.e. from 14-09-2021 to 08-09-2022.

3. Learned Counsel for the applicant submitted that since the experience which has been stipulated in the advertisement is of the period of 3 years, the experience of the applicant fails short by 15 days. It is, however, the case of the applicant that though the last order issued in favour of the applicant was till 08-09-2022, even after expiry of the said period, the applicant continued to work without any break till 28-09-2022. Thereafter, on 28-09-2022 vide the order passed by the Dean, Government Medical College, Jalgaon, he has been reverted to the post of Assistant Professor.

4. Learned Counsel for the applicant further submitted that if the period between 09-09-2022 to 28-09-2022 is considered as the period of his service, the applicant fulfills the criteria of having work experience of 3 years as prescribed in the advertisement. Learned Counsel submitted

that such certificate was prayed for by the applicant by making a request application to the Dean of the Government Medical College, Jalgaon and the learned Dean has forwarded the proposal in that regard to Commissioner, Medical Education and Research, Mumbai, who is the appropriate authority, seeking his guidance. In the said proposal it is stated that the applicant had in fact worked for the period of 3 years, if the services rendered by the applicant during the period between 09-09-2022 to 28-09-2022 are taken into account. Learned Counsel further submitted that, however, the applicant did not receive any positive response from respondent no.2. Learned Counsel submitted that inspite of having worked for the period of 3 years, if the experience certificate is not issued by the respondents, he will be deprived from contesting for his selection on the post of Professor in pursuance of Advertisement No.337/2023.

5. On 03-01-2024 when the matter was heard for the first time by us, after having considered the submissions made on behalf of the applicant and

after having gone through the documents placed on record, we were prima facie convinced that the applicant has certainly rendered the services for the period of 3 years. In these circumstances, while issuing notice to the respondents in the present O.A., learned C.P.O. was instructed to take instructions from the concerned department whether the applicant has worked on the post of Assistant Professor till 28-09-2022 and whether he has been paid salary for the said period and to make statement in that regard on the next date, which was fixed on today. Today, when the matter is taken up for consideration, Shri M.P.Gude, learned P.O. has appeared for the respondent authorities. Learned P.O. submitted a written communication received from the Dean of the Government Medical College, Jalgaon wherein a request has been made for getting 4 weeks' time for submitting the affidavit in reply.

6. On our query made to the learned P.O. whether instructions are received as were directed to be taken from the concerned officer in the order passed by the Tribunal on 03-01-2024, Shri Gude,

learned P.O. submitted that the order passed on 03-01-2024 was duly communicated to the Government Medical College, Jalgaon as well as to all concerned. Learned P.O. further submitted that he also talked to Shri Mangesh Joshi, Office Superintendent of the Government Medical College, Jalgaon and also to Dr. Jitendra Ghumre, HOD, OBGY, who is also in-charge of the Legal Cell. Learned P.O. further submitted that both the aforesaid officers, however, refused to provide any such information. The conduct of the aforesaid officers, prima facie, appears to be contemptuous. Learned P.O. on the basis of another communication received to him prayed for granting time of 4 weeks for filing the affidavit in reply.

7. Shri J.S.Deshmukh, learned Counsel submitted that for making application for the post of Professor, the last date is 09-01-2024. Learned Counsel in the circumstances invited our attention to the documents filed on record showing that the applicant has actually worked during the period between 09-09-2022 to 28-09-2022 and has also been paid salary of the said period. The order of

reversion is also referred to, from the contents of which it is discernible that, the applicant worked on the said post till he was reverted to the post of Assistant Professor on 28-09-2022.

8. We have carefully perused the documents placed on record by the parties. In so far as the services rendered by the applicant for consecutive 3 years, every time for the period of 360 days are concerned, the appointment orders are placed on record. The order of reversion passed on 28-09-2022 demonstrates that the applicant was rendering his services till the said date i.e. 28-09-2022 though his period of earlier appointment expired on 08-09-2022. The payment slip which is filed on record evinces that the applicant has been paid salary of the post of Assistant Professor for the entire month meaning thereby that the applicant is held to have worked on the said post in the entire said month.

9. After having gone through the documents placed on record it appears that sufficient prima facie evidence is existing on record showing that the

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applicant had worked during the period between 09-09-2022 till 28-09-2022. If the said period is taken into account and added to the services earlier rendered by the applicant for the period of consecutive 3 terms of 360 days each, the applicant has to be held to have worked for the period of more than 3 years. The applicant is, thus, prima facie fulfilling the criteria of having experience of worked as Associate Professor for the period of 3 years in the Government Medical College at Jalgaon.

10. In the aforesaid circumstances, we see no difficulty in directing the respondent nos.2 and 4 to issue such certificate in favour of the applicant on or before 08-09-2023, so that, the applicant can apply for the post of Professor in pursuance of the advertisement dated 15-12-2023 bearing advertisement no.337/2023. The respondent no.4 has already recommended for issuance of such experience certificate by forwarding a proposal to respondent no.2 on 21-12-2023. Hence, the following order is passed:

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ORDER

[i] Subject to outcome of the present O.A., respondent no.2 shall, on or before 08-01-2024 issue necessary directions to respondent no.4 in response to his communication dated 21-12-2023 to issue experience certificate in favour of the applicant for the period of 3 years of working on the post of Associate Professor in Pediatrics in Government Medical College at Jalgaon.

[ii] Learned P.O. shall communicate this order to respondent no.2 and 4.

11. S.O. to 24-01-2024 for further consideration and filing reply by the respondents.

**MEMBER (A)**

YUK ORAL ORDER 05.01.2024

**VICE CHAIRMAN**



**ORIGINAL APPLICATION NO.818/2021**  
**(Dr. Ashwini A. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**  
**ORAL ORDER :**

Shri S.D.Joshi, learned Counsel for the applicant has filed **leave note**.

Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities, Shri M.R.Kulkarni, learned Counsel holding for Shri Akshay Joshi, learned Counsel for respondent no.7, and Shri G.M.Jawale, learned Counsel holding for Shri A.T.Jagtap, learned Counsel for respondent no.9, are present.

Shri Ajit Kadethankar, learned Counsel for respondent no.6 and Shri S.G.Kulkarni, learned Counsel for respondent no.8 are **absent**.

2. S.O. to 24-01-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 05.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO.22/2021**  
**(Muktyarsing R. Theng Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**  
**ORAL ORDER :**

Shri Saket Joshi, learned Counsel holding for Shri A.S.Deshmukh, learned Counsel for the applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 12-01-2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**  
YUK ORAL ORDER 05.01.2024

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 935 OF 2018**  
**(Chandrabhan Vithoba Veer Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri Kakasaheb B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 25.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 05.01.2024-HDD

**ORIGINAL APPLICATION NO. 659 OF 2019**  
**(Vijay Madhukar Suralkar Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri Ram S. Shinde, learned counsel for the applicant (**absent**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. When the present matter is called out no one has caused appearance for the applicant. However, in the interest of justice, the matter stands adjourned to 29.1.2024. It is clarified that if the matter is not worked out on the given date, the interim relief granted earlier in the matter shall stand vacated.

3. S.O. to 29.1.2024. Interim relief granted earlier to continue till then.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 245 OF 2019**  
**(Subhadra J. Mahuwale Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

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

2. Since nobody appears for the applicant, S.O. to 29.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 05.01.2024-HDD

**ORIGINAL APPLICATION NO. 531 OF 2019**  
**(Nagnath V. Hatkar & Anr. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Shamsunder B. Patil, learned counsel for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, is present.

2. At the request of learned counsel for the applicants, S.O. to 29.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 05.01.2024-HDD

**ORIGINAL APPLICATION NO. 487 OF 2016**  
**(Mohammed Badar Akbar Siddiqui Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Mrs. A.N. Ansari, learned counsel for the applicant (**absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. When the present matter is called out no one has caused appearance for the applicant. The matter being of the year 2016 the same has to be taken up for hearing with all priority. However, in the interest of justice matter stands adjourned to 29.1.2024. If the matter is not worked out on the given date the same shall stand dismissed for want of prosecution.

**MEMBER (A)**

**VICE CHAIRMAN**

**M.A.NO. 13/2022 IN O.A.NO. 553/2019**  
**(Markand N. Gangaram & Ors. Vs. State of Mah. & Ors.)**

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

**Shri Vinay Kargaonkar, Member (A)**

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri Mujahed Hussain, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present Misc. Application has been filed by the applicants seeking leave of this Tribunal to place on record the documents annexed with the M.A.

3. We have gone through the documents placed on record and having considered the contentions raised in the M.A., the documents are having nexus with the subject matter and hence the permission needs to be granted for filing these documents on record. Hence, the following order is passed: -

**ORDER**

(i) The applicants are permitted to place on record the documents annexed with the present Misc. Application.



**:: - 2 - ::**

**M.A. 13/22 IN O.A. 553/19**

(ii) The M.A. stands allowed in the aforesaid term, however, without any order as to costs.

(iii) The Original Application to come up for hearing on 15.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 05.01.2024-HDD

**O.A.ST.NO. 2378/2023 WITH M.A.NO. 565/2023**  
**(Rahul Sahebrao Fadat & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri Amol B. Chalak, learned counsel holding for Smt. Punam Mahajan, learned counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. In the present matter on 13.12.2023 the office has raised the following office objections: -

*“1) Affidavit not proper. Per page memo not signed by Applicant and Notary Advocate.*

*2) In view of Advertisement dated 03/01/2019 and provisional Selection List and Waiting List dated 23/08/2019, Original Application appears to be barred by limitation.*

*3) Per page documents not attested as T.C.*

*4) Page No. 58 to 69, 73, 81 are faint & not legible.*

*5) After Page No. 61-paging incorrect.”*

**:: - 2 - :: O.A.ST. 2378/23 WITH M.A. 565/23**

3. Initially the present matter was filed before the Principal Seat of this Tribunal at Mumbai and subsequently it came to be transferred to this Tribunal. Learned counsel submits that there are certain objections which may not be possible to be removed and in such circumstances has sought leave of this Tribunal to withdraw the present O.A. with liberty to file fresh application on the same cause of action.

4. In view of the submissions made on behalf of the applicant, the following order is passed: -

**ORDER**

(i) The applicants are permitted to withdraw the Original Application with liberty as prayed for subject to issue of Limitation.

(ii) In view of disposal of O.A. the M.A. also stands disposed of.

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

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 187 OF 2020  
(Basanti Jhemsing Padavi Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Smt. R.L. Jakhade, learned counsel holding for Shri S.A. Kulkarni, 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 has placed on record the copy of show cause notice issued to the applicant on 3.6.2020. The respondents have also placed on record the acknowledgment obtained by the applicant for receipt of the aforesaid notice. The respondents have also placed on record the copy of the reply dated 12.6.2020 given by the applicant to the notice dated 3.6.2020. The documents are taken on record and copies thereof are given to the learned counsel for the applicant.

3. Learned Presenting Officer, on instructions, submits that in the memorandum dated 8.5.2020

the averments that, “अशा परिक्षार्थीची महसूल अर्हता परिक्षा नोव्हेंबर, २०१९ या परिक्षेची संधी धरण्यात येवून त्यांचा सद्य परिक्षेचा निकाल कायमस्वरूपी राखून ठेवण्यात येत आहे.” has to be interpreted to mean that the said result is withheld subject to enquiry, which was to be conducted by the respective District Collectors. Learned P.O. further submits that short affidavit explaining that position will be filed on the next date.

4. S.O. to 23.1.2024 for filing such affidavit by the respondents.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 848 OF 2019**  
**(Jitendra Budha Bagul & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri A.D. Sugdare, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The Original Application stands allowed.  
Reasons to follow.

**MEMBER (A)**

**VICE CHAIRMAN**

ORAL ORDER 05.01.2024-HDD

**Date : 05.01.2024**

**ORIGINAL APPLICATION NO. 17 OF 2024**

**(Dr. Yogesh B. Rajput V/s State of Mah. & Ors.)**

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

1. Shri S.B. Bedwal, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on **08.02.2024**. The case be listed for admission hearing on **08.02.2024**.
3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

**I/C REGISTRAR**

**R. A. No. 07 OF 2023 in O.A. NO. 406 OF 2023  
(The Charity Commissioner, Maharashtra State, Mumbai  
Vs. Narayan D. Napte)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri I.S. Thorat, learned Presenting Officer for the applicants in R.A./respondents in O.A. and Shri M.R. Kulkarni, learned counsel for the respondent in R.A./applicant in O.A.

2. Learned P.O. on instructions seeks leave to withdraw the Review Application and submits that the communication in writing in this regard will be produced during course of the day before the Tribunal.

3. The other side has no objection for it.

4. In view of same, leave granted.

5. Accordingly, the Review Application is disposed of as withdrawn. In the circumstances there shall be no order as to costs.

**MEMBER (J)**



**M.A.NO. 588 OF 2023 IN O.A.ST.NO. 2046 OF 2023  
(Shiva Kiran Sharma Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri Santosh B. Bhosale, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents in M.A., returnable on 28.02.2024.
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. 588/2023 in  
O.A.St. 2103/2023

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. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 28.02.2024.
9. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 1107 OF 2023  
(Pravin R. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri Raviraj Wakle, learned counsel for the applicant, is **absent**. Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 27.02.2024.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 362 OF 2021  
(Usha A. Pawar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

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

2. In view of absence of learned counsel for the applicant, S.O. to 27.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 81 OF 2018**  
**(Sayyed Wali Abdul Khadar Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri D.A. Bide, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The matter is already part heard.

3. At the request of learned P.O., S.O. to 12.01.2024.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 538 OF 2022**  
**(Narendra L. Rathod Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri H.P. Jadhav, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. The matter is already part heard.

3. In view of absence of learned counsel for the applicant, S.O. to 19.01.2024.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**M.A.NO. 368 OF 2022 IN O.A.ST.NO. 307 OF 2022  
(Jaydatt R. Bhusare Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri B.B. Kulkarni, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. By this application the applicant is seeking condonation of delay caused in filing the Original Application.

3. Learned counsel for the applicant submits that the father of the applicant died on 28.08.2008 and after the death of father, the applicant's mother has filed an application seeking compassionate appointment within one year. However, the respondents have not considered the said application for the reason that the mother of the applicant has already crossed the age of 40 years and as such she was not entitled for appointment on compassionate ground. Immediately thereafter, the mother of the applicant has filed another application before the respondents stating therein that her son

//2// M.A. 368/2022 in  
O.A.St. 307/2022

(applicant herein) is minor and he may be considered for compassionate appointment after he attaining the age of majority. In the year 2018 after attaining the age of majority, the applicant has filed an application seeking compassionate appointment on 22.01.2018. However, the respondents have neither considered the said application nor passed any order. Thus the applicant has filed reminder application on 05.02.2019 and thereafter on 18.03.2019. Learned counsel for the applicant submits that till this date neither the application filed in the year 2018 nor the reminder had been considered by the respondents. The applicant is not given any appointment on compassionate ground.

4. Learned counsel for the applicant submits that there is no inaction on the part of the applicant since after attaining age of majority he has immediately approached the department seeking compassionate appointment. Learned counsel for the applicant submits that there is no negligence on the part of the applicant and due to inaction on the part of the respondents, the delay has been occurred.



//3// M.A. 368/2022 in  
O.A.St. 307/2022

5. Learned P.O. submits that the delay is intentional one and the applicant has not given satisfactory reasons. There is no reasonable explanation for the delay caused. Learned P.O. submits that the application is liable to be dismissed.

6. It appears that after attaining the age of majority within stipulated period the applicant has filed the application seeking compassionate appointment on 22.01.2028. Thereafter he has filed reminder application on 05.02.2019 and second reminder application on 18.03.2019. Thus it cannot be said that there is total negligence on the part of the applicant. However it appears from the contents of the application and reply that there is inaction on the part of the respondents for not passing any order on the aforesaid applications/reminders. The applicant has well explained the delay. In view of same, I am inclined to condone the delay. Hence the following order:-

**ORDER**

- (i) M.A. No. 368/2022 is allowed.

//4// M.A. 368/2022 in  
O.A.St. 307/2022

- (ii) The delay of 965 days caused in filing the accompanying O.A. is hereby condoned.
- (iii) Accompanying O.A. be registered and numbered in accordance with law.
- (iv) No order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION ST.NO. 307 OF 2022  
(Jaydatt Rajaram Bhusare Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri B.B. Kulkarni, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. Issue notice to respondents, returnable on 21.02.2024.
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.307/2022

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. The learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 21.02.2024.
9. Steno copy and Hamdast is allowed to both parties.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**M.A.NO. 529 OF 2023 IN O.A.NO. 1112 OF 2022  
(Mohammad Raza Khan Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

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

Shri M.B. Bharaswadkar, learned counsel for respondent No.3, is **absent**.

2. Learned P.O. submits across the bar the affidavit in reply on behalf of respondent Nos. 1 & 2. The same is taken on record and copy thereof is given to learned counsel for the applicant.

3. S.O. to 29.01.2024. Interim relief granted earlier to continue till then.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 27 OF 2019  
(Raosaheb D. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

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

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri Mujahed Hussain, learned counsel for the applicant and Shri S.B. Patil, learned counsel for respondent No.4, are **absent**. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. Learned counsel appearing for respondent No.4 is also absent.

3. In view of same, S.O. to 07.03.2024.

**MEMBER (J)**

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

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri Suhas B. Ghute, learned counsel for the applicant and Shri H.P. Jadhav, learned counsel for respondent No.5, are **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant. The Original Application is of the year 2020.

3. Learned P.O. is directed to take specific instructions as to whether the matter has become infructuous due to long pendency or for some other reasons.

4. S.O. to 12.01.2024 for hearing.

**MEMBER (J)**



**ORIGINAL APPLICATION NO. 433 OF 2021  
(Chabutai R. Dudhe Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri A.K. Mishra, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 01.03.2024 as a last chance for hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 764 OF 2021  
(Rajendra R. Pal Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Ms. R.L. Jakhade, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.02.2024.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 73 OF 2022**  
**(Chakardhar P. Wadje Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Smt. Suchita Dhongde, learned counsel for the applicant has filed a **leave note**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities and Shri D.T. Devane, learned counsel for respondent No.2, are present.

2. In view of leave note of learned counsel for the applicant, S.O. to 07.03.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 997 OF 2022**  
**(Rekha D. Shinde & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri G.R. Bhumkar, learned counsel holding for Shri S.N. Suryawanshi, learned counsel for the applicants and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 15.01.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 1000 OF 2022  
(Dilip R. Gavit & Ors. Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri S.V. Suryawanshi, learned counsel holding for Shri Amol S. Sawant, learned counsel for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicants, S.O. to 15.02.2024 for hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 1108 OF 2022  
(Rajendra T. Dawange Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 21.02.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 77 OF 2023  
(Deepak H. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Ms. R.L. Jakhade, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 29.02.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 200 OF 2023  
(Rajendra G. Mane Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant has filed a **leave note**. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 07.03.2024 for hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas



**ORIGINAL APPLICATION NO. 335 OF 2023  
(Prakash F. Patil Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Part heard.
3. S.O. to 12.01.2024 for further hearing.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 535 OF 2023  
(Anil R. Dhumal Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri Y.R. Shinde, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. In terms of order dated 21.12.2023 passed by this Tribunal the learned P.O. has taken instructions from the respondent No. 2 as to whether the applicant can be accommodated at Tahsil Office, Rahuri considering his permanent disability so also his place of resident in view of G.R. dated 15.12.2004. The learned P.O. has placed on record the copy of order passed by the respondent No.2 dated 01.01.2024. The same is taken on record marked as document 'X' for the purpose of identification.

3. On perusal of the same it appears that the respondent No.2 has stated in the said order that the G.R. dated 15.12.2004 is not binding on respondent No.2 and that if the accommodation of the applicant at his original place at Rahuri is considered there will be inconvenience at Shevgaon where he has been transferred.

4. The present matter is reserved for order.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 769 OF 2023  
(Sunita D. Jarhad Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 14.02.2024.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 109 OF 2021  
(Ashok D. Shiradkar & Ors. Vs. State of Maharashtra &  
Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the applicants and Shri B.S. Desokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 14.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 732 OF 2021  
(Dashrath D. Jadhav Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri K.B. Jadhav, learned counsel for the applicant and Shri B.S. Desokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 14.02.2024 for final hearing.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 67 OF 2023  
(Nilesh C. Nemane Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicants and Shri B.S. Desokar, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions in writing received from the applicant submits that by order dated 30.08.2023 the Collector, Dhule has reinstated the applicant and the applicant do not want to proceed further with the present Original Application. Learned counsel for the applicant tendered the detailed communication dated 05.01.2024 received from the applicant and the copy of said order dated 30.08.2023. The same are taken on record and marked as document 'X' and 'X-1' collectively for the purpose of identification. Learned counsel for the applicant thus seeks leave to withdraw the present Original Application.

3. Leave granted. Accordingly, the Original Application is disposed of as withdrawn. In the circumstances there shall be no order as to costs.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 498 OF 2023  
(Ratnakala M. Mohite Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri A.S. Deshmukh, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 19.01.2024 as a last chance for filing affidavit in reply.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**M.A.NO. 335 OF 2023 IN O.A.ST.NO. 1123 OF 2023  
(Amreen Begum Shaikh Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri S.V. Suryawanshi, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Pleadings are completed. List the M.A. for hearing on 29.01.2024.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas



**ORIGINAL APPLICATION NO. 920 OF 2023**  
**(Chandrakant V. Sadakal Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri N.B. Narwade, learned counsel for the applicant, is **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent Nos. 1 to 5 along with spare copy for the applicant. The same is taken on record.

3. Pleadings are completed. List the matter for admission hearing on 12.03.2024. In the meanwhile it would be open for the applicant to file affidavit in rejoinder, if so desires.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 274 OF 2023**  
**(Dinesh S. Thakur Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits the affidavit in reply on behalf of respondent No.1 and further submits that the respondent No. 2 is adopting the affidavit in reply filed by respondent No.1. The same is taken on record and copy thereof is given to learned counsel for the applicant.

3. In view of same, pleadings are completed. List the matter for admission hearing on 13.03.2024. In the meanwhile it would be open for the applicant to file affidavit in rejoinder, if so desires.

**MEMBER (J)**

**M.A.NO. 400 OF 2023 IN O.A.ST.NO. 1748 OF 2023  
(Dipak B. Sasane Vs. State of Maharashtra & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant has filed a **leave note**. Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. Learned P.O. submits the affidavit in reply on behalf of all the respondents along with spare copy for the applicant. The same is taken on record.

3. Pleadings are completed. List the M.A. for hearing on 11.03.2024.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

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

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri S.V. Suryawanshi, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned P.O., S.O. to 29.01.2024 as a last chance for filing affidavit in reply on behalf of respondents.

**MEMBER (J)**

ORAL ORDER 05.01.2024 sas

**ORIGINAL APPLICATION NO. 04 OF 2024**  
**(Smt. Savita S. Birge (Wadiyar) Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned counsel for the applicant submitted that the applicant is kept away from promotion only on the ground that the criminal prosecution and the departmental enquiry are pending against her. Learned counsel submitted that the departmental enquiry proceedings are already directed to be kept in abeyance till the decision in the criminal prosecution and in the criminal case till this date even charge has not been framed. Learned counsel referring to and relying on the G.R. dated 15.12.2017 submitted that in the cases like the present one there are specific directions not to withhold the promotion on the ground of pending enquiry proceedings or criminal

prosecution. Learned counsel, in the circumstances, has prayed for an interim relief, thereby seeking directions against the respondents to open the sealed cover and if the applicant is rated eligible for to be promoted, the respondents be directed to give promotion to her.

3. The request so made on behalf of the applicant cannot be accepted at this stage, unless the respondents are noticed and the affidavit in reply is filed by the respondents.

4. The learned counsel for the applicant sought to contend that the juniors of the applicant have been promoted and that is enough to draw an inference that the decision in respect of the applicant is kept in sealed cover. It appears to us that unless the facts, which are stated by the application, the say of the respondents on the same is not received, it may not be possible to reach to any definite conclusion. In the circumstances, opportunity needs to be given to the respondents even before passing any interim order. The learned counsel submits that the last D.P.C. meeting was held on 4.7.2023, however, the

applicant is not getting the minutes of the said meeting.

5. After having gone through the submissions made by the learned counsel and after going through the documents place on record, we deem it appropriate to pass the following order :-

**ORDER**

Issue notices to the respondents, returnable on 25.1.2024.

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

3. 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.

4. 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.

5. 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.

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**O.A. NO. 04 OF 2024**

6. **The respondents shall produce on record the minutes of the meeting of D.P.C. held on 4.7.2023 on the next date and if possible shall also file the affidavit in reply.**
7. S.O. to 25.1.2024.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 05.01.2024



**T.A. NO. 24/2023 (W.P. NO. 14535/2023)**  
**(Sanjay K. Sable Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Smt. Sharda P. Chate, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration, the learned counsel for the applicant submitted that the applicant has preferred the present application seeking directions against the respondents to complete the departmental enquiry initiated against him in the year 2016 within a time bound manner. Learned counsel pointed out that because of pendency of this enquiry proceedings against the applicant, he is being deprived of other service benefits like promotion etc.

3. From the material available on record it is quite explicit that the enquiry proceedings are pending for unreasonable period of more than 7

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**T.A. NO. 24/2023**  
**(W.P. 14535/2023)**

years. However, there is no further material or evidence to even record prima facie conclusion as to because of whose instance the enquiry proceedings have been protracted. It's joint departmental enquiry against 13 delinquents. As such, the authentic information shall come on record as about the present status of the said enquiry and the reasons for delay which has occurred in completing the said enquiry. In the circumstances, we deem it appropriate to pass the following order: -

### **ORDER**

- (i) Issue notice to the respondents, returnable on 25.1.2024.
- (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

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**T.A. NO. 24/2023**  
**(W.P. 14535/2023)**

(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) **The respondents shall place on record all necessary information in regard to the present status of the concerned departmental enquiry and also explain the reasons for pendency of the said enquiry for such a long period.**

(vii) S.O. to 25.1.2024.

)viii) Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 05.01.2024

**ORIGINAL APPLICATION NO. 341 OF 2023**  
**(Dr. Jayashree E. Bangar Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri S.S. Jadhavar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities, are present.

2. Shri A.V. Thombre, learned counsel holding for Shri S.B. Solunke, learned counsel submits that Shri S.B. Solunke, learned counsel has instructions to appear for respondent no. 3. He has sought one week's time to submit the affidavit in reply on behalf of the said respondent. Request is also made on behalf of respondent nos. 1 & 2 seeking one week's time for filing the affidavit in reply. Time granted.

3. S.O. to 12.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 904 OF 2023**  
**(Yogita d/o Govindrao Kachawe @ Yogita w/o Murlidhar More**  
**Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri M.B. Kolke, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. On request of learned counsel for the applicant, re-issue notices to the respondent no. 7, returnable on 16.2.2024.
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 16.2.2024.
8. Steno copy and Hamdast is allowed to both parties.

**MEMBER (A)**

**VICE CHAIRMAN**

**ORIGINAL APPLICATION NO. 298 OF 2023**  
**(Pramod Gulabrao Kharat & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present. None appears for respondent no. 3.

2. On request of learned Presenting Officer one week's time is granted to file the affidavit in reply. If the affidavit in reply is not filed on the next date, the matter will be heard without reply.

3. S.O. to 12.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 05.01.2024

**C.P. NO. 44/2022 IN O.A. NO. 959/2019**  
**(Rahul D. Sathe & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri A.V. Thombre, learned counsel holding for Shri R.D. Khadap, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. It is brought to our notice that the order passed by this Tribunal has been challenged before the Hon'ble High Court. In view of the submission so made, S.O. to 7.6.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 05.01.2024

**C.P. ST. NO. 2267/2023 IN O.A. NO. 651/2021**  
**(Dr. Shivaji D. Birare Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri S.D. Joshi, learned counsel for the applicant (**leave note**). Shri M.P. Gude, learned Presenting Officer for the respondent authorities, is present.

2. In view of leave note of learned counsel for the applicant, S.O. to 22.1.2024.

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 05.01.2024



**C.P. NO. 2/2024 IN O.A. NO. 530/2023**  
**(Manjusha M. Mutha Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 22.1.2024.

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 22.1.2024.

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

**MEMBER (A)**

**VICE CHAIRMAN**

ARJ ORAL ORDER 05.01.2024

**ORIGINAL APPLICATION NO. 620/2022**  
**(Uddhav A. Chavan Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Heard Shri Abhay Rathod, learned counsel for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri Suhas Shirsat, learned counsel for respondent nos. 3 & 4.

2. Learned counsel for respondent nos. 3 & 4 has tendered the written note of arguments. Same is taken on record.

3. Arguments of both the sides are heard. The matter is closed for orders.

**MEMBER (A)**

**VICE CHAIRMAN**

**O.A. NOS. 107, 491, 572, 573, 574, 575, 789, 916  
AND 493 ALL OF 2023  
(Sanjay V. Nagamwad & Ors. Vs. State of Mah. & Ors.)**

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

**DATE : 05.01.2024**

**ORAL ORDER :**

Shri J.J. Patil, learned counsel for the applicants in all these matters and S/shri M.S. Mahajan & V.R. Bhumkar, learned Chief Presenting Officer & Presenting Officer for the respondent authorities in respective matters, are present.

2. Learned Chief Presenting Officer has prayed for time by way of last chance to file the affidavits in reply in these matters. Time granted as a last chance. If the replies are not filed, all these matters will be heard without reply.

3. S.O. to 5.2.2024.

**MEMBER (A)**

**VICE CHAIRMAN**