

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI. P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:-06/12/2023

Suplimentary Board

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Revised Pay Fixation/Recovery Group Matters						
1	OA997/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. Ahmed Munibuddin)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
2	OA998/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. Razvi Syed Ubaid Syed Vaseuddin)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
3	OA999/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. Pratibha K Kalwale)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
4	OA1000/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. Vinod D Mundada)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
5	OA1001/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. ShaikhShaziaMasroor Abdul Lateef)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
6	OA1002/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. Aradhana A Deshmukh)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
7	OA1003/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. Pratibha R Deshmukh)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
8	OA1004/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. Shilpa N Shewale)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
9	OA1006/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. KhaledMohsinBadaam)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	15.12.2023
10	OA1097/19 (Due) With	A'bad	Adv.M.R. Kulkarni (Dr. JunaidMobin Ahmed Shaik)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	

11	OA1098/19 (Due)	A'bad	Adv.M.R. Kulkarni (Dr.Ansari Mohammed Abdul Muqtadir)	Revised Pay Fixation/ Recovery	Reply Filed by R-1 to R-3	
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And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Date:-06/12/2023

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Urgent Admission Matters						
1	OA1010/23	Nanded	Adv.P.S. Anerao (Shubham B Hingmire)	Seniority List		8.2.2024
2	OA1027/23	Beed	Adv.Shamsunder B Patil (Dr. Vishesh R Lohakpure)	Appointment Posting	Circulation	12.1.2024
3	OA1028/23	N'bar	Adv.Jitendra V Patil (Chetan B Mali)	Appointment	Circulation	30.1.2024
4	OA1029/23	A'bad	Adv.P.R. Wankhade (Dr. Mahesh V Naik)	Continuation of Service	Circulation	30.1.2024
5	OA360/19	A'bad	Adv.AjayDeshpande (Dr.Atul A Deshmukh)	Termination	For Hearing Additional Affidavit of Reply Filed by Respondent For Filing Short Affidavit in Reply on behalf of the MPSC	
6	OA620/22	Jalna	Adv.Abhay R Rathod (Uddhav A Chavan) <u>Adv.SuhasShirsat for R.Nos.3 & 4</u> <u>Adv.SuhasShirsat has Filed Leave Note From 05.12.2023 to 07.12.2023</u>	Appointment	For Hearing Reply Filed by R-2	5.1.2024

Order Matters						
7	MA56/22 In OA405/21	Beed	Adv.S.S. Kulkarni/ Adv.V.S. Kadam (Dinesh N Karande)	M.A. For Amendment	For Hearing Reply Filed by R-1 to R-4	30.1.2024
8	MA69/22 In OAST43/22	Nanded	Adv.SuchitaDhongde (Bhauasaheb P Tidke&Ors)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	11.1.2024
9	MA140/22 In OAST494/22	Hingoli	Adv.S.B. Jadhav (Vinod V Bandale)	M.A. For Condoantion of Delay	For Hearing	30.1.2024
10	MA219/22 In OA810/21 with	A'nagar	Adv.CPO MAT A'bad (The Divisional Commissioner Nashik&Ors.) <u>Adv.V.B. Wagh in</u> <u>OA810/21</u> (Ganesh B Agale)	M.A. For Modification	For Hearing	29.1.2024
11	MA220/22 In OA381/21	A'nagar	Adv.CPO MAT A'bad (The Divisional Commissioner Nashik&Ors.) <u>Adv.V.B. Wagh in</u> <u>OA381/21</u> (Manjushree S Deokar)	M.A. For Modification	For Hearing	29.1.2024
12	MA348/22 In OAST1262/22	A'bad	Adv.SuchitaDhongde (Deorao S Aher)	M.A. For Condonation of Delay	For Hearing Reply Filed by R-1 to R-4	21.2.2024
13	MA496/23 In OA222/23	A'bad	Adv.A.S. Deshpande (Vijay U Awadhane&Ors.)	M.A. For Direction/ I.R.	For Further Consideration	2.1.2024
Due Admission Matters						
14	OA294/19 with	A'bad	Adv.Abhishek C Deshpande (Sujata R Palve)	Advertisement	For Hearing	12.1.2024
15	OA296/19	Latur	Adv.Abhishek C Deshpande (Ashwini G Bele&Ors.)	Advertisement	For Hearing	12.1.2024

16	OA552/20	A'bad	Adv.M.B. Bharaswadkar (Vyankat N Gaikwad&Ors.) <u>Adv.Sharad V Natu For</u> <u>R.Nos. 8 & 9</u>	Promotion	Reply Filed by R-1 to R-4	17.1.2024
17	OA171/22	P'bhani	Adv.J.J. Patil (Madansing S Gusinge)	Seniority List	For Hearing Reply Filed by R-2 to R-4	RFO
18	OA754/22	Nanded	Adv.S.S. Thombre (Akash K Chougule)	Show Cause Notice/ Termination	For Hearing	21.12.2023
19	OA868/22	Nanded	Adv.R.P. Bhumkar (Ramdas G Gangadhare)	Revised Pay Scale/ Pensionary Benefits	For Hearing Reply Filed by R-3 & R-4	Before SB
20	OA1114/22	O'bad	Adv.K.B. Jadhav (Pramod N Kusneniwar) <u>Adv.V.P. Narwade for</u> <u>R.No.3/</u> <u>Adv.Ajinkya S Reddy For</u> <u>R.No.4</u>	Departmental Enquiry	For Hearing Reply Filed by R-1, R-2, R-4 & R-5	13.12.2023
21	OA186/23	A'bad	Adv.A.D. Sugdare (Anand I Dhale)	Termination	For Hearing	15.1.2024
22	OA515/23	Nanded	Adv.R.V. Gore (Harish D Mahure)	Selection Process (MPSC)	For Hearing Reply Filed by R-1 & R-3	29.1.2024
23	OA779/23	P'bhani	Adv.Prasad B Kadam (Vitthal C Khillare)	Selection Process	For Hearing Reply Filed by R-1 to R-4	5.1.2024
24	OA875/23	A'bad	Adv.K.B. Jadhav (Avadhut A Sisal)	Selection Process	For Hearing Ref.Orderdtd. 25.10.2023 Reply Filed by R-1 & R-3 Short Affidavit in Reply Filed by R-2 For Filing Affidavit in Rejoinder to the affidavit in Reply Filed by R-2	13.12.2023

Final Hearing Matters						
25	OA491/13	J'gaon	Adv.S.D. Joshi/ Adv.AshishRajkar (Devidas T Patil)	Recovery/ Departmental Enquiry	Reply Filed by R-1 to R-4	12.12.2023
26	OA624/13	P'bhani	Adv.M.C. Ghode (Yogesh P Ghuge&Ors.)	Post of Civil Engineer		8.1.2024
27	OA636/15	Dhule	Adv.S.B. Talekar (Dr.Mukarram Ahmed Khan GulakGauskhan)	Promotion	Pedning Before Hon'ble High Court Reply filed by R-1, R-3, R-4	9.1.2024
28	OA758/15	A'bad	Adv.S.B. Talekar (Dr.Tanuja S Kulkarni)	Regularisation/ Direction	Reply Filed by R-1 to R-4	9.1.2024
29	OA268/17 With	Beed	Adv.Talekar& Associates (Vishal W Machave)	Promotion	Reply Filed by R-1 to R-4	15.1.2024
30	OA269/17 With	Beed	Adv.S.B. Talekar& Associates (Sachin B Kamble)	Promotion	Reply Filed by R-1 to R-4	
31	OA270/17 With	Beed	Adv.S.B. Talekar& Associates (Prashant B Pathak)	Promotion	Reply Filed by R-1 to R-4	
32	OA271/17	Beed	Adv.Talekar& Associates (Govind B Shelke)	Promotion	Reply Filed by R-1 to R-4	
33	OA345/17	P'bhani	Adv.V.G. Pingle (Abhiman M Kale) <u>Adv.S.B. Patil for R.Nos. 2 to 6</u>	Termination	Reply Filed by R-1 to R-6	1.2.2024
34	OA119/18	A'bad	Adv.Santosh N Patne (Smt. Jyoti L Rathod)	Appointment	Reply Filed by R-1 to R-4	16.1.2024

35	OA149/18	O'bad	Adv.M.B. Kolpe (Dhananjay L Jadhav)	Appointment	Reply Filed by R-1 & R-2	17.1.2024
36	OA185/18	A'bad	Adv.Sunil B Jadhav/ Adv.M.B. Bharaswadkar (Vasant S Bagde)	Departmental Enquiry	Reply Filed by R-1 to R-3	25.1.2024
37	OA56/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Balaji M Mirkute) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	For Admission Reply Filed by R-1 to R-5	Disposed of
38	OA57/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Ashok N Khandare) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
39	OA58/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Pratap D Chavan) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
40	OA59/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Amrit K Chavan) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
41	OA60/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Pravin K Munde) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
42	OA61/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Rajabhau S Butte) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
43	OA62/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Vasant D Pawar) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
44	OA63/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Vijay D Kasbe) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
45	OA64/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Md. Amjadullah Md. Lutfullah) <u>Adv.Yogita S Thorat for R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	

46	OA65/19 With	Nanded	Adv.M.R. Kulkarni (Dr.Sheshrao B Chavan) <u>Adv.Yogita S Thorat for</u> <u>R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
47	OA66/19 With	Nanded	Adv.M.R. Kulkarni (Dr.FarhatAnjumZikreMohd. Ayyub) <u>Adv.Yogita S Thorat for</u> <u>R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
48	OA67/19	Nanded	Adv.M.R. Kulkarni (Dr.Rajendra S Pawar) <u>Adv.Yogita S Thorat for</u> <u>R.Nos.4 & 5</u>	Recovery	Reply Filed by R-1 to R-5	
49	OA28/20	Beed	Adv.K.G. Salunke (Anil P Salve)	Promotion	Reply Filed by R-1 & R-2	14.12.2023

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench

Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN

And

THE HON'BLE SHRI. VINAY KARGAONKAR, MEMBER (A)

Top Priority Old DB Matters

Date :-06/12/2023

Suplimentary Board 1

Sr. No	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matter						
1	OA851/09	A'bad	Adv.AjayDeshpande (Sunita S Sabu @ Sunita S Pophale)	Departmental Enquiry	<u>Pending Before</u> <u>Supreme Court</u> Reply Filed by R-1 & R-2	7.3.2024
Final Hearing Matters						
2	TA11/99 In WP3251/93 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana through its Joint Secretary, M.S. Sonwane) <u>Adv.VivekBhavthankar for</u> <u>R.Nos.2&3</u>	Termination		

3	TA19/99 In WP2311/94 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination		Disposed of
4	TA26/99 In WP2772/93 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana, P'Bhani&Ors)	Termination		
5	TA47/99 In WP776/95 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination Termination Termination		Disposed of
6	TA7/99 In WP3765/97 with	P'bhnai	Adv.S.R. Barlinge (Vyankati S Agase&Ors)			
7	TA6/06 With WP4261/95 with	Jalna	Adv.Party In Person (GoverdhanGanoji)			
8	TA36/02 In WP3007/91 With	A'nagar	Adv.S.K. Shelke/ Adv.S.U. Jadhav (AhmenagarZilla wan Kamgar Union through its Vice President, GulabraoDeshmukh)	Termination		
9	MA311/08 In TA42/99 In WP1274/91 With	P'bhnai	Adv.SubhashMundhe (Ram U Dumane)	M.A. For Vacate I.R.		
10	TA17/99 In WP2791/94 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination		
11	TA35/98 In WP296/98 With	Jalna	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana, A'bad)	Termination		
12	MA309/08 In TA24/99 In WP3607/93 With	P'bhnai	Adv.B.B. Yenge (The Dy.Director of Social Forestry P'bhnai)	M.A. For Vacate I.R.		
13	MA306/08 In	P'bhnai	Adv.B.B. Yenge (The Dy.Director of Social Forestry)	M.A. For Vacate I.R.		

	TA36/99 In WP652/94 With		Division Officer, P'bhnai)			
14	TA28/99 In WP1253/91 With	P'bhnai	Adv.S.R. Barlinge (Dasa N Shere&Ors.)	Termination		Disposed of
15	TA30/99 In WP617/94 With	P'bhnai	Adv.S.K. Shelke (Parubai G Varad&Ors.)	Termination		Disposed of
16	TA33/99 In WP3776/97 with	Dhule	Adv.S.K. Shelke (DhuleZila Van KamgarShramikSangh.)	Termination		Disposed of
17	TA34/99 In WP3620/97 With	A'bad	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination		Disposed of
18	TA37/99 In WP1382/94 With	P'bhnai	Adv.S.R. Barlinge (Keshv H Kamble&Ors.)	Termination		Disposed of
19	TA14/99 In WP3770/97 With	A'bad	Adv.S.R. Barlinge (Harman V Surwase&Ors.)	Termination		Disposed of
20	TA16/99 In WP1226/91 With	Jalna	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana through its General Secreetary, B.V. Bansod)	Termination		Disposed of
21	TA13/99 In WP777/95 With	P'bhnai	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana)	Termination		Disposed of
22	TA20/99 In WP882/91 With	A'bad	Adv.S.K. Shelke (MarathwadaSarvaShramikSanghtana, A'bad)	Termination		Disposed of
23	TA38/99 In WP329/92	A'nagar	Adv.S.K. Shelke (AhmednagraZilla Van Kamgar Union A'nagar)	Termination		Disposed of
24	OA363/10	Hingoli	Adv.J.B. Choudhary (Dileep W Chaoure)	Reversion	<u>Pending Before Hon'ble High Court</u> Reply Filed by R-1 to R-4	19.12.2023

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BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc. Hon'ble Division Bench
Before: - THE HON'BLE JUSTICE SHRI P.R. BORA, VICE CHAIRMAN*

And

THE HON'BLE SHRI VINAY KARGAONKAR, MEMBER (A)

Date: -06/12/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	CP49/23 In OA315/19	Nanded	Adv S L Bhapkar (Jeevan G Shinde)	Contempt Petition	For Filing Affidavit in Reply	4.1.2024
2	CP58/23 In OA502/20	Latur	Adv V G Pingle (Shrikant B Kulkarni)	Contempt Petition	For Filing Affidavit in Reply	25.1.2024
3	CP59/23 In OA629/21	Jalna	Adv V G Pingle (Dr. Archana V Bhosle)	Contempt Petition	Await Service	31.1.2024
4	CP63/23 In OA661/19	Beed	AdvPriya R Bharaswadkar (Satish N Bhandwalkar)	Contempt Petition	Await service	31.1.2024
5	CP64/23 In OA660/19	Beed	AdvPriya R Bharashwadkar (Rajrath S Jaybhaye)	Contempt Petition	Await Service	31.1.2024
6	CP65/23 In OA630/19	Beed	AdvPriya R Bharashwadkar (Bhaskar E Dhere)	Contempt Petition	Await Service	31.1.2024
7	OA447/21	Latur	Adv.C.V. Dharurkar (Malile A Gangadhar)	Challenging G.R.	One More Last Chance For Filing Affidavit in Rejoinder	10.1.2024
8	OA164/22	J'gaon	Adv.C.V. Dharurkar (NasiroddinAjamoddinShaikh)	Dismissal From Service	Reply Filed By R-1 to R-3 For Filing Affidavit in Rejoinder Ref Order Dtd. 06.02.2023	10.1.2024

9	OA237/22	Jalna	Adv.S.S. Jadhavar (Vinayak U Banchod)	Seniroyty List/ Promotion	For Filing Affidavit in Reply	12.1.2024
10	OA458/22	Nanded	Adv.J.S. Deshmukh (Dr.Suresh R Pawar) <u>AdvYogita S Thorat For R-4</u>	Extention of Age Benefit	Reply Filed By R- 4 & For Filing Affidavit in Reply R-1 to R-3	12.1.2024
11	OA1026/22	Nanded	Adv S B Patil (Dr. Pradeep V Kendre)	Eligibility / Interview	Reply Filed By R- 2 & Await Service	17.1.2024
12	OA1027/22	Hingoli	Adv S B Patil (Dr. Sachin O Khakare)	Eligibility/ Interview	Reply Filed By R- 2 & Await Service	17.1.2024
13	OA925/23	A'bad Etc.	Adv J S Deshmukh (Dr. Suhas M Pawar&Ors.)	Challenging G.R	For Filing Affidavit in Reply	22.12.2023
14	OA1017/23	A'bad	AdvSaket G Joshi (Sunil R Rathod)	Suspension Selection Process	For Filing Affidavit in Reply	15.1.2024
Order Matters						
15	MA12/23 In OAS2072/22	Latur	Adv.A.B. Rajkar (Yograj V Pawar) <u>Adv S B Mene For R-3 & R-4</u>	M.A. For Condoantion of Delay	For Filing Affidavit in Reply	30.1.2024
16	MA13/23 In OAS2076/22	Latur	Adv.A.B. Rajkar (Govind S Keshtraphale)	M.A. For Condoantion of Delay	For Filing Affidavit in Reply	30.1.2024
17	MA89/23 In OAS23037/22	A'nagar	Adv A P Avhad (Annasaheb R Andhale)	M.A For Condonatio of Delay	For Filing Affidavit in Reply	31.1.2024
18	MA528/23 In OAS2059/23	A'bad	Adv N T Tribhuwan/ Adv S SDambe (Varsha D Indore &Ors.)	M.A For Condonation of Delay	Await Service	10.1.2024

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

*List of Cases set down for Physical Hearing/Admission/Order/etc.before Hon'ble Single Bench
Before: -THE HON'BLE JUSTICE SHRI V. K. JADHAV, MEMBER (J)*

Date: -06/12/2023

For Reply Board

Sr. No.	Case No.	District	Advocate's & Applicant's Name	Subject	Remarks	
Due Admission Matters						
1	OA132/21	A'bad	Adv R N Bharaswadkar (Bhanudas E Tarte)	Recovery	Reply Filed By R-1 to R-6	11.1.2024
2	OA796/21	Dhule	Adv Amol S Gandhi (Dinesh A Chavan)	Compassionate Appointment	Reply Filed By R-2 & By Way of Last Chance For Filing Affidavit in Reply	14.12.2023
3	OA440/22	P'rbn	Adv Shaikh Wajeed Ahmed (Khan Mohammed Arbaz Mohammed Kazim Khan)	Compassionate Appointment	By Way of Last Chance For Filing Affidavit in Reply <u>Ref Order</u> <u>Dtd.</u> <u>30.11.2022</u>	14.12.2023
4	OA595/22	N'bar	Adv S D Joshi (Dr. Dinesh S Ravtale)	Joining/ Salary & Allowances	By Way of Last Chance For Filing Affidavit Reply	20.12.2023
5	OA713/22	A'bad	Adv P R Wankhade (Gorakh D Pathade)	Recovery/ Refund of Recovered Amount	Reply Filed By R-1, R-2 & R-4 & For Filing Affidavit in Reply R-3	11.1.2024

6	OA957/22	A'bad	AdvSuchitaDhongde (Mamik S Desale&Ors.) <u>AdvSuchitaDhongde</u> <u>For Added Applicant-11</u>	Benefits of T.B.P. & A.C.P.S	For Filing Affidavit in Reply	24.1.2024
7	OA1024/22	A'bad	Adv Ravi R Bangar (Vitthal S Bade)	Transfer Allowances Bill	Short Affidavit Reply Filed By R-1 to R-3 & For Filing Affidavit in Rejoinder	12.1.2024
8	OA43/23	Nanded	Adv I D Maniyar (Liyakatbi S Hyder)	Family Pension	Reply Filed By R-1 to R-4	11.01.2024
9	OA66/23	A'bad	AdvAvishkar S Shelke (Bhaginath C Malikar)	Regularization	For Filing Affidavit in Reply	11.1.2024
10	OA78/23	P'rbn	Adv R L Jakhade/ Adv S A Kulkarni (Mahesh B Kavthale)	Transfer	By Way of Last Chance For Filing Affidavit in Reply	11.1.2024
11	OA149/23	A'bad	Adv D K Dagadkhair (Vijay R Thorat)	Family Pension	Reply Filed By R-2 For Filing Affidavit in Reply of other Respondents. And For Filing Affidavit in Rejoinder <u>Ref Order</u> <u>Dtd.</u> <u>03.08.2023</u>	11.1.2024
12	OA214/23	Jalgaon	Adv S D Joshi (Salim S Tadvi)	Compassionate Appointment	Reply Filed By R-1 to R-5	14.12.2023

13	OA370/23	A'bad	Adv K B Jadhav (Bhagwan V Bankar)	Pension & Pensionery Benefits/ Interest On Delayed Payments	Reply Filed By R-3 & By way of Last Chance For Filing Affidavit in Reply	20.12.2023
14	OA800/23	N'bar	Adv Anudeep Sonar (Chandrakant R. Sonar)	Suspension / Pension	For Filing Affidavit in Reply	3.1.2024
15	OA812/23	P'rbn	Adv S V Suryawanshi (Dr. Ravindra K Deshmukh)	Transfer/Postin g	For Filing Affidavit in Reply	5.1.2024
16	OA856/23	Latur	Adv Nitin L Dhobale (Yankatrao D Manale)	Directions/ Benefits of Old Pension Scheme	For Filing Affidavit in Reply	12.1.2024
17	OA912/23	A'bad	Adv S D Joshi (Rajeshri G Ade)	Transfer	Await Service R-3 & Reply Filed By R-2	Withdrawn
18	OA931/23	O'bad	Adv R.K. Ashtekar (Dasrao T. Deshpande)	Minar Punishment	Await Service	9.1.2024
19	OA970/23	Jalna	Adv Vaibhav U Pawar (Chandrashekhar B Kakde & Ors.)	Old Pension Scheme	Await Service	9.1.2024
20	OA971/23	A'bad Etc.	Adv Vaibhav U Pawar (Sambhaji S Patil & Ors.)	Pension Scheme	Await Service	9.1.2024
21	OA985/23	Latur	Adv Yogesh P Deshmukh (Ganesh H Fawde)	Appointment Compassionate Ground	Await Service	9.1.2024

Order Matters						
22	MA164/22 In OASt2280/19	Jalgaon	Adv P B Patil (Govardhan H Chavan)	M.A For Condonation of Delay	Reply Filed By R-5 By way of Last Chance For Filing Affidavit in Reply	11.1.2024
23	MA386/23 In OASt1372/23	O'bad	Adv S G Jadhavar (Rohit D Ghuge)	M.A For Condonation of Delay	For Filing Affidavit in Reply	14.12.2023
24	MA425/23 In OASt1366/23	Dhule	Adv N L Chaudhary (Gambhir K Mangale)	M.A For Condonation of Delay	For Filing Affidavit in Reply	12.1.2024
25	MA521/23 In OASt2116/23	Beed	Adv S B Patil (Shivaji S Chemte)	M.A For Condonation of Delay	Await Service	12.1.2024

ORIGINAL APPLICATION NO.171/2023
(Madansing Shivsing Gusinge Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Heard Shri Jiwan J. Patil, learned Counsel for the applicant and Shri M.P.Gude, learned Presenting Officer for the respondent authorities.

2. Arguments of both sides are heard at length.
Case is reserved for order.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.1017/2023
(Sunil Raju Rathod Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Heard Shri Saket Joshi, 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 P.O. sought time to file affidavit in reply. On the previous date i.e. on 30-11-2023 the Tribunal has passed following order:

“(2) The impugned order, insofar as it relates to cancellation of permission to the applicant to appear for Limited Departmental Competitive Examination (Preliminary) for promotion to the post of PSI, shall stand stayed till the next date.”

3. Learned Counsel for the applicant submitted that unless the specific order is passed by this Tribunal, respondents may not allow the applicant to appear for Limited Departmental Competitive Examination (LDCE). Learned Counsel in the

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O.A.NO.1017/2023

circumstances has prayed for passing the order thereby directing the MPSC to permit the applicant to appear for the said departmental examination. In view of the submissions made, we are inclined to pass the following order:

O R D E R

Respondent nos.2 and 3 shall permit the applicant to appear for Limited Departmental Competitive Examination to be held on 10-12-2023, however, its result shall be subject to outcome of the present O.A.

4. S.O. to 15-01-2024. Steno copy be provided to both sides on their request.

MEMBER (A)

VICE CHAIRMAN

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

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

DATE : 06.12.2023

ORAL ORDER :

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

2. S.O. to 21-12-2023. Interim relief granted
earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 355 OF 2022
(Basveshwar J. Warad Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Heard Smt. V.R. Kalyankar, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

Shri S.B. Patil, learned counsel for respondent Nos. 2 & 4, is **absent**.

2. The present Original Application is hereby dismissed for the reasons to follow. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 481 OF 2022
(Dhanwantsing H. Saini Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 1063 OF 2022
(Dr. Rahul S. Hatolkar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Smt. Vijaya Adkine, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submits across the bar the affidavit in rejoinder. The same is taken on record and copy thereof is given to learned P.O. today itself.

3. S.O. to 15.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1089 OF 2022
(Madhavi M. Kulkarni & Ors. Vs. State of Maharashtra &
Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned Advocate for the applicants and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2023 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 224 OF 2023
(Bhumanna M. Achewad Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Part heard.
3. Learned P.O. is directed to call for the record and proceedings.
4. S.O. to 20.12.2023 for further hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 451 OF 2023
(Dr. Vidhya B. Sarpe Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri S.B. Patil, learned Advocate 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 03.01.2024 for hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 28 OF 2019
(Suresh G. Sadavarte Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri V.P. Kadam, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned counsel for the applicant, S.O. to 12.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 489 OF 2019
(Vinod R. Kandere Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri Gorakh Kendre, learned counsel holding for Shri J.M. Murkute, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 898 OF 2019
(Babu K. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. S.O. to 15.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

ORIGINAL APPLICATION NO. 321 OF 2021
(Dr. Pramod U. Wawdhane Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri S.S. Kurundkar, learned counsel holding for Shri S.V. Kurundkar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

Shri A.B. Shinde, learned counsel for respondent No.4, is **absent**.

2. Learned counsel for the applicant on instructions submits that the applicant is not pressing the prayer clause 'B' & 'C' for the reason that during pendency of this Original Application, the applicant has received all the pensionary benefits and also the G.P.F. amount.

3. Learned counsel for the applicant submits that at present and applicant is pressing prayer clause 'D' seeking interest on delayed payment only.

4. Learned P.O. submits across the bar the affidavit in reply on behalf of respondent Nos. 1 to 3. The same is taken on record and copy thereof is given to learned counsel for the applicant before Tribunal today itself.

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O.A.321/2021

5. Learned counsel for the applicant seeks time to go through the reply and file rejoinder, if necessary. Time granted.

6. S.O. to 04.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 361 OF 2021
(Madhukar G. Misal Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Smt. Vinaya Mule-Dharurkar, learned counsel holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 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 : 06.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2023 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 578 OF 2021
(Nanasaheb S. Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Smt. Vinaya Mule-Dharurkar, learned counsel holding for Shri C.V. Dharurkar, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 19.01.2024 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 761 OF 2021
(Pradeep B. Pawar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri A.S. Deshmukh, learned Advocate for the applicant has filed a **leave note**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present. Shri N.N. Desale, learned counsel for respondent No. 3, is **absent**.

2. In view of leave note of learned counsel for the applicant, S.O. to 04.01.2024. Interim relief granted earlier to continue till then.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

ORIGINAL APPLICATION NO. 273 OF 2022
(Pradeep P. Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri H.P. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2023 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 363 OF 2022
(Ranjit P. Ratnaparkhe Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri Nitin T. Tribhuwan, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 14.12.2023 for final hearing.

MEMBER (J)

ORAL ORDER 06.12.2023 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 : 06.12.2023

ORAL ORDER :

Shri S.V. Suryawanshi, learned Advocate 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 05.01.2024 for filing affidavit in reply.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

ORIGINAL APPLICATION NO. 66 OF 2023
(Bhaginath C. Malakar Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri G.R. Jadhav, learned counsel holding for Shri A.S. Shelke, learned Advocate 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 11.01.2024 for filing affidavit in reply.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**M.A.NO. 386/2023 IN O.A.ST.NO. 1372/2023
(Rohit D. Ghuge Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri S.G. Jadhavar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. seeks one week's time for file affidavit in reply. Time granted.

3. S.O. to 14.12.2023.

MEMBER (J)

ORAL ORDER 06.12.2023 sas

**ORIGINAL APPLICATION NO. 165 OF 2020
(Babu D. Ghute Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Smt. Archana Therokar, learned counsel holding for Shri V.B. Wagh, learned counsel for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent No.2, are present.

2. The present matter has already been treated as part heard.

3. Learned counsel for respondent No.2 submits record and proceedings. The same is taken on record.

4. Learned counsel for applicant submits written notes of arguments on behalf of applicant. The same is also taken on record.

5. S.O. to 13.12.2023 for further hearing.

MEMBER (J)

Date : 6.12.2023
M.A.NO. 551/2023 IN O.A.ST.NO. 2307/2023
(Seema Vishnu Chawriya V/s State of
Maharashtra & Ors.)

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

1. Shri M.S. Chaudhari, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents in M.A., returnable on 02.01.2024. The case be listed for admission hearing on **02.01.2024**.
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.

REGISTRAR

Date : 06.12.2023
ORIGINAL APPLICATION NO. 1036 OF 2023
(Vishwas Ramchandra Patil V/s State of
Maharashtra & Ors.)

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

1. Shri O.D. Mane, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for respondents, are present.
2. Circulation is granted. Issue notices to the respondents, returnable on 19.12.2023. The case be listed for admission hearing on **19.12.2023**.
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.

REGISTRAR

**ORIGINAL APPLICATION NO. 214 OF 2022
(Babasaheb A. Awdhut Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicant (**Absent**). Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 14.12.2023 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 85 OF 2022
(Mahadev B. Nilawad Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned counsel for the applicant seeks adjournment on the ground that Shri S.B. Jadhav is now appointed as Assistant Government Pleader, High Court of Bombay, Bench at Aurangabad. Adjournment as sought for is granted.

3. S.O. to 19.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 711 OF 2021
(Lalita B. Gaikwad Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri R.M. Jade, learned counsel for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 19.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

**ORIGINAL APPLICATION NO. 686 OF 2021
(Mahesh G. Premalwad Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri M.B. Kolpe, 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 19.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

**ORIGINAL APPLICATION NO. 568 OF 2021
(Bhausahab S. Pansare Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri Avinash Khedkar, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities and Shri Shamsunder B. Patil, learned counsel for respondent Nos. 3 to 5, are present.

2. As none present for the applicant, S.O. to 24.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 395 OF 2021
(Bhau N. Chaudhari Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri S.D. Joshi, learned counsel holding for Shri A.M. Gholap, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 96 OF 2021
(Shriram P. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. S.O. to 24.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 696 OF 2019
(Supadu K. Surwade Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. S.O. to 24.01.2024 for hearing.

MEMBER (J)

**ORIGINAL APPLICATION NO. 670 OF 2019
(Kaushalya B. Jadhav Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri A.S. Tilve, learned counsel for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. As none present for the applicant, S.O. to 24.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

**M.A. No. 228/2021 in O.A. St. No. 775/2021
(Jagannath T. Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri J.M. Murkute / S.G. Satpute, learned counsel for the applicant (**Absent**).

Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant, despite the absence of learned counsel for the applicant recorded on last occasion. Hence, the M.A. stands dismissed in default without any order as to costs.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

**M.A. No. 117/2020 in O.A. St. No. 320/2020
(Pamabai D. Wanve Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri G.J. Kore, learned counsel for the applicant (**Absent**).

Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, is present.

2. None present for the applicant, despite the absence of learned counsel for the applicant recorded on last occasion. Hence, the M.A. stands dismissed in default without any order as to costs.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

ORIGINAL APPLICATION NO. 806 OF 2023
(Sunil R. Mamilwad & Anr. Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri Dhananjay Mane, learned counsel holding for Shri Nagesh Talekar, 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 20.12.2023.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

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

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 17.01.2024.
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. Learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 17.01.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 1024 OF 2023
(Pawan S. Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Heard Smt. Vijaya Adkine, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. The present matter is about recovery from the applicant to the tune of Rs. 2,26,878/-.

3. In view of above, issue notice to respondents, returnable on 04.01.2024.

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 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. Learned P.O. appears for all the respondents and seeks time for taking instructions.

9. S.O. to 04.01.2024.

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

MEMBER (J)

**M.A. No. 164/2022 in O.A. St. No. 2280/2019
(Govardhan H. Chavan Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned P.O. submits that the affidavit in reply on behalf of respondent No. 3 in M.A. is already filed and other respondents may not file affidavit in reply.

3. In view of the same, list the matter for hearing on 11.01.2024.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

**ORIGINAL APPLICATION NO. 219 OF 2022
(Datta G. Tarate Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. As per the request of learned counsel for the applicant, leave to amend the Original Application within a period of one week from today.

3. S.O. to 13.12.2023 for hearing.

MEMBER (J)

**M.A. No. 231/2021 in O.A. St. No. 782/2021
(Raju T. Kamble Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Smt. Suchita Dhongde, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits that the amendment application is likely to be filed in O.A.

3. In view of the same, S.O. to 11.01.2024.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

**M.A. No. 464/2022 in O.A. St. No. 1803/2022
(Sunil T. Kandere Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Smt. Suchita Dhongde, 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 22.12.2023 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

ORIGINAL APPLICATION NO. 433 OF 2022
(Prakash B. Kamble Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri V.G. Pingle, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned counsel for the applicant submits across the bar certain documents along with list of documents, which according to him are necessary for the just disposal of the present Original Application.

3. The present matter is yet to be admitted. In view of the same, the documents are accepted. Same are taken on record and copies thereof are given to learned Presenting Officer.

4. List the matter for hearing on 16.01.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 800 OF 2023
(Chandrakant R. Sonar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer submits across the bar affidavit in reply on behalf of respondent Nos. 2 to 4. Same is taken on record and copy of the same is given to learned counsel for the applicant today itself.

3. Learned P.O. submits that the respondent No. 1 may adopt the affidavit in reply filed on behalf of respondent Nos. 2 to 4.

4. List the matter for hearing on 03.01.2024.

MEMBER (J)

**ORIGINAL APPLICATION NO. 370 OF 2023
(Bhagwan V. Bankar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Ms. Rutuja Kulkarni, learned counsel holding for Shri K.B. Jadhav, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer seeks time to take instructions as to whether the respondent Nos. 1, 2, 4 & 5 are ready to adopt the affidavit in reply filed on behalf of respondent No. 3. Time granted.

3. S.O. to 20.12.2023.

MEMBER (J)

**ORIGINAL APPLICATION NO. 713 OF 2022
(Gorakh D. Pathade Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. Learned P.O. submits across the bar affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy of the same is given to learned counsel appearing for the applicant today itself.

3. S.O. to 11.01.2024 for filing rejoinder affidavit, if any.

MEMBER (J)

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

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

DATE : 06.12.2023

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicants and Smt. Sanjvani 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 24.01.2024 for hearing.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

ORIGINAL APPLICATION NO. 856 OF 2023
(Yankatrao D. Manale Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned P.O. submits across the bar affidavit in reply on behalf of respondent No. 3. Same is taken on record and copy of the same is given to learned counsel appearing for the applicant today itself.

3. At the request of learned P.O., S.O. to 12.01.2024 for filing affidavit in reply on behalf of other respondents.

MEMBER (J)

**ORIGINAL APPLICATION NO. 1024 OF 2022
(Vitthal S. Bade Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri Amol Patale, learned counsel holding for Shri R.R. Bangar, learned counsel for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 12.01.2024 for filing rejoinder affidavit.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

ORIGINAL APPLICATION NO. 595 OF 2022
(Dr. Dinesh S. Ravtale Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 20.12.2023.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

ORIGINAL APPLICATION NO. 214 OF 2023
(Salim Shabbir Tadvı Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Pleadings are complete.
3. List the matter for hearing on 14.12.2023.

MEMBER (J)

KPB ORAL ORDER 06.12.2023

ORIGINAL APPLICATION NO. 722 OF 2023
(Aparna A. Surywanshi Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri Ashish Rajkar, 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 Presenting Officer, S.O. to 13.12.2023 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 912 OF 2023
(Rajeshri Ganpatrao Ade Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Heard Shri S.D. Joshi, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant on instructions in writing from the applicant dated 04.12.2023 seeks leave to withdraw the present Original Application. The said communication is taken on record.

3. Leave granted. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

**ORIGINAL APPLICATION NO. 117 OF 2020
(Shivaji V. Kale Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Heard Shri V.P. Kadam, learned counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. The applicant has filed the present Original Application seeking directions against the respondent Nos. 2 to 4 to grant the pay scale with consequential benefits from initial appointment and also with regard to the service continuation from the initial appointment including the benefits of 7th Pay Commission by considering the representations filed by the applicant.

3. Learned counsel for the applicant submits that the applicant has got all the benefits and, as such, nothing survives for consideration. Learned counsel on instructions seeks leave to withdraw the present Original Application.

4. Leave granted. The Original Application is disposed of as withdrawn. No order as to costs.

MEMBER (J)

**M.A. No. 538/2023 in O.A. No. 174/2020
(Ravindra P. Bibekar Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned counsel for the applicant submits that in spite of filing of the Original Application, the applicant is treated as age barred and informed about the same accordingly. Learned counsel submits that the applicant wants to challenge the said order also and therefore, filed the present Misc. Application for amendment in O.A.

3. Learned Presenting Officer submits that the appropriate order may be passed on the application seeking amendment.

4. In the present matter, notices are yet to be issued. In view of the same, the M.A. No. 538/2023 seeking amendment is hereby allowed. Necessary amendment in O.A. be carried out within a period of two weeks and amended copy of the O.A. be supplied to learned P.O.

5. Accordingly, M.A. stands disposed of without any order as to costs.

MEMBER (J)

ORIGINAL APPLICATION NO. 174 OF 2020
(Ravindra P. Bibekar Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Issue notice to respondents, returnable on 11.01.2024.
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. Learned P.O. appears for all the respondents and seeks time for taking instructions.
8. S.O. to 11.01.2024.
9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO. 1030 OF 2023
(Dr. Radhey Raghunath Khetre Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned counsel for the applicant submits that the applicant was appointed on regular basis as Assistant Professor by an order dated 24.10.2016 and posted at Vilasrao Deshmukh Government Medical College, Latur. He is made permanent w.e.f. 24.10.2016. He had worked at Latur till 12.12.2018. Thereafter, the applicant was promoted on ad-hoc basis as Associate Professor in the year 2018 and posted at Government Medical College, Chhatrapati Sambhajnagar and since then, he is working at Government Medical College, Chhatrapati Sambhajnagar.

3. Learned counsel for the applicant submits that as of a sudden, the Government issued order dated 04.12.2023 and transferred the applicant from

//2//

O.A. No. 1030/2023

Government Medical College, Chhatrapati Sambhajinagar to Government Medical College, Nagpur. As a matter of fact, the applicant never made request for his transfer; however, it is shown in the transfer order that the applicant has been transferred on his request.

4. Learned counsel for the applicant submits that the transfer is mid-term and mid-tenure and further the applicant's son is school going child so also the applicant look after his old parents. His father is having 54% disability.

5. Learned Presenting Officer submits that the Dean, Government Medical College, Chhatrapati Sambhajinagar has authorized Dr. Prasad Deshpande, Professor of Psychiatry to attend the date before the Tribunal. On making query through learned P.O., Dr. Prasad Deshpande, Professor of Psychiatry authorized person by the Dean, Government Medical College, Chhatrapati Sambhajinagar has made a statement in the open Court that the applicant has not requested for his transfer at any point of time and the applicant is not yet relieved from his existing post.

//3//

O.A. No. 1030/2023

6. In view of above, interim relief in terms of prayer clause 8(a) is granted till further orders, which reads as follows :-

“(a) By an interim order the execution, operation, and implementation of the transfer order dated 4.12.2023 issued by the Government of Maharashtra, Medical Education and Drugs Department, Mumbai, may kindly be stayed and the applicant be allowed to work as Associate Professor (Forensic Medicine) in Government Medical College, Chhatrapati Sambhajanagar, District Chhatrapati Sambhajanagar.”

7. Issue notice to respondents, returnable on 22.12.2023.

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

9. 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.

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O.A. No. 1030/2023

10. 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.

11. 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.

12. Learned P.O. appears for all the respondents and seeks time for taking instructions.

13. S.O. to 22.12.2023.

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

MEMBER (J)

**ORIGINAL APPLICATION NO. 1028 OF 2023
(Chetan B. Mali Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Issue notice to respondent, returnable on 30.1.2024.
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 30.1.2024.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)
ORAL ORDERS 06.12.2023-HDD

VICE CHAIRMAN

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

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Shri J.J. Shinde, learned counsel holding for Shri P.S. Anerao, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.2.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.12.2023-HDD

C.P.NO. 58/2023 IN O.A.NO. 502/2020
(Shrikant B. Kulkarni Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Heard Shri V.G. Pingle, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. When the present contempt petition is taken up for consideration, learned Presenting Officer has tendered copy of communication dated 1.11.2023 received to the office of Chief Presenting Officer from the respondents, informing therein that in view of the approval given by the Law & Judiciary Department, the process of preferring Writ Petition before the Hon'ble Bombay High Court, Bench at Aurangabad, against the order passed by this Tribunal, the contempt of which is alleged in the present matter, is in progress. The same is taken on record.

3. S.O. to 25.1.2024.

MEMBER (A)

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1029 OF 2023
(Dr. Mahesh V. Naik Vs. State of Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. It is the grievance of the applicant that he has been illegally retired before completing the age of 60 years. Learned counsel for the applicant has invited our attention to the order passed by the Hon'ble Division Bench of Bombay High Court in Writ Petition No. 11453/2023 with connected Writ Petitions on 5th October, 2023. Learned counsel submits that in view of the order passed by the Hon'ble High Court in the aforesaid WPs interim relief in favour of the present applicant may be granted.

3. Learned Presenting Officer submitted for passing appropriate orders.

4. After having considered the submissions made on behalf of both the parties, we are inclined to grant interim relief as has been granted by the Hon'ble Bombay High Court in the aforesaid WPs. Hence, the following order: -

ORDER

(i) Issue notice before admission to the respondents, returnable on 30.1.2024. **Pending the hearing and final disposal of the present O.A. the respondents shall allow the applicant to continue in the services. We make it clear that continuation of the applicant after he is reinstated under the interim order till he attains the age of 60 years will be subject to outcome of the present O.A.**

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

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

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

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

(vi) S.O. to 30.1.2024.

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

MEMBER (A)

VICE CHAIRMAN

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

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Shri G.R. Bhumkar, learned counsel holding for Shri R.P. Bhumkar, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. The office to examine whether this matter lies before the Single Bench and if it be so, the present matter be placed before the learned Single Bench.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.12.2023-HDD

**ORIGINAL APPLICATION NO. 620 OF 2022
(Uddhav Asaram Chavan Vs. State of Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Shri Abhay Rathod, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

Shri S.R. Shirsat, learned counsel for respondent Nos. 3 & 4 has filed leave note.

2. In view of leave note filed by the learned counsel for respondent Nos. 3 & 4, S.O. to 5.1.2024.

MEMBER (A)

VICE CHAIRMAN

**C.P.NO. 49/2023 IN O.A.NO. 315/2019
(Jeevan G. Shinde Vs. State of Maharashtra & Ors.)**

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Shri S.L. Bhapkar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has sought time for filing affidavit in reply. Due opportunities are already availed.

3. In view of above, in the interest of justice time granted by way of last chance till 4.1.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.12.2023-HDD

M.A.NO. 219/2022 IN O.A.NO. 810/2021
(Divisional Commissioner Nashik & Ors. Vs. Ganesh B. Agale)

M.A.NO. 220/2022 IN O.A.NO. 381/2021
(Divisional Commissioner Nashik & Ors. Vs. Manjushree Deokar)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Shri V.B. Wagh, learned counsel for the applicant in O.A. (respondent No. 4 in M.A.) and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in O.A. (applicant in M.A.), are present.

2. S.O. to 29.1.2024.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 06.12.2023-HDD

ORIGINAL APPLICATION NO. 1027/2023
(Dr. Visheh R. Lohakpure Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Issue simple notice to respondents, returnable on 12.1.2024.

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 12.1.2024.

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

MEMBER (A)

VICE CHAIRMAN

- (1) T.A. NO. 11/1999 (W.P. NO. 3251/1993)**
(Marathwada Sarva Shramik Sanghtana through its Joint Secretary, M.S. Sonawane Vs. State of Maharashtra & Ors.)
- (2) T.A. NO. 19/1999 (W.P. NO. 2311/1994)**
(Marathwada Sarva Shramik Sanghtana Vs. State of Maharashtra & Ors.)
- (3) T.A. NO. 26/1999 (W.P. NO. 2772/1993)**
(Marathwada Sarva Shramik Sanghtana Parbhani & Ors. Vs. State of Maharashtra & Ors.)
- (4) T.A. NO. 47/1999 (W.P. NO. 776/1995)**
(Marathwada Sarva Shramik Sanghtana Vs. State of Maharashtra & Ors.)
- (5) T.A. NO. 07/1999 (W.P. NO. 3765/1997)**
(Vyankati S. Agase & Ors. Vs. State of Maharashtra & Ors.)
- (6) T.A. NO. 06/2006 (W.P. NO. 4261/1995)**
(Govardhan Ganoji Vs. State of Maharashtra & Ors.)
- (7) T.A. NO. 36/2002 (W.P. NO. 3007/1991)**
(Ahmednagar Zilla Wan Kamgar Union through its Vice President Gulabrao Deshmukh Vs. State of Maharashtra & Ors.)
- (8) M.A. 311/08 IN T.A. NO. 42/1999 (W.P. 1274/1991)**
(Ram U. Dumane Vs. State of Maharashtra & Ors.)
- (9) T.A. NO. 17/1999 (W.P. NO. 2791/1994)**
(Marathwada Sarva Shramik Sanghtana Vs. State of Maharashtra & Ors.)
- (10) T.A. NO. 35/1998 (W.P. NO. 296/1998)**
(Marathwada Sarva Shramik Sanghtana, Aurangabad Vs. State of Maharashtra & Ors.)
- (11) M.A. 309/08 IN T.A. 24/1999 (WP 3607/1993)**
(Deputy Director of Social Forestry, Parbhani Vs. State of Maharashtra & Ors.)
- (12) M.A. 306/08 IN T.A. 36/1999 (WP 652/1994)**
(Dy. Director of Social Forestry Division Office, Parbhani Vs. State of Maharashtra & Ors.)
- (13) T.A. NO. 28/1999 (W.P. NO. 1253/1991)**
(Dasa N. Shere & Ors. Vs. State of Maharashtra & Ors.)
- (14) T.A. NO. 30/1999 (W.P. NO. 617/1994)**
(Parubai G. Varad & Ors. Vs. State of Maharashtra & Ors.)

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T.A. NO. 11/1999
(W.P. NO. 3251/1993) & Group

(15) T.A. NO. 33/1999 (W.P. NO. 3776/1997)
(Dhule Zila Van Kamgar Shramik Sangh Vs. State of Maharashtra & Ors.)

(16) T.A. NO. 34/1999 (W.P. NO. 3620/1997)
(Marathwada Sarva Shramik Sanghtana Vs. State of Maharashtra & Ors.)

(17) T.A. NO. 37/1999 (W.P. NO. 1382/1994)
(Keshav H. Kamble & Ors. Vs. State of Maharashtra & Ors.)

(18) T.A. NO. 14/1999 (W.P. NO. 3770/1997)
(Harman V. Surwase & Ors. Vs. State of Maharashtra & Ors.)

(19) T.A. NO. 16/1999 (W.P. NO. 1226/1991)
(Marathwada Sarva Shramik Sanghtana through its General Secretary B.V. Bansod Vs. State of Maharashtra & Ors.)

(20) T.A. NO. 13/1999 (W.P. NO. 777/1995)
(Marathwada Sarva Shramik Sanghtana Vs. State of Maharashtra & Ors.)

(21) T.A. NO. 20/1998 (W.P. NO. 882/1991)
(Marathwada Sarva Shramik Sanghtana, Aurangabad Vs. State of Maharashtra & Ors.)

(22) T.A. NO. 38/1999 (W.P. NO. 329/1992)
(Ahmednagar Zilla Vas Kamgar Union, Ahmednagar Vs. State of Maharashtra & Ors.)

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

Shri Vinay Kargaonkar, Member (A)

DATE : 06.12.2023

ORAL ORDER :

Heard Shri A.S. Shelke for himself and S/shri D.B. Yenge & S.R. Barlinge, learned counsel for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

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T.A. NO. 11/1999
(W.P. NO. 3251/1993) & Group

2. When these Transfer Applications are taken up for consideration, the learned counsel appearing for the applicants in all these applications submitted a chart containing the updates in the said matters. The information containing in the chart reveals that most of these employees are regularized in the services. Majority matters pertain to challenge of retrenchment notice as issued against the employees, whereas some matters pertain to reduction in wages and by virtue of the interim order passed by the Hon'ble High Court, all these applicants were continued in service. Learned counsel submits that despite efforts made by him, he could not establish the contact with the said applicants.

3. Learned counsel, however, fairly submitted that, according to his information, most of the employees continued in the service under the orders of the Hon'ble High Court till their attaining the age of superannuation and during the course of time, most of the employees were regularized in the services. Present T.As. are pending since last more

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T.A. NO. 11/1999
(W.P. NO. 3251/1993) & Group

than 20 years. In view of the information submitted by the learned counsel, we see no propriety in keeping the present applications pending any more. It appears that the very purpose of filing the present T.As. was served with the interim order passed in favour of these applicants. Thereafter, had any adverse action against the applicants' by the respondents, the applicants must have approached this Tribunal.

4. It appears to us that practically all these matters have become infructuous. We, therefore, see no reason to keep these matters pending henceforth. An inference also can be drawn that after getting the interim order from the Hon'ble High Court and having worked on the strength of the said order for next many years and probably up to attaining the age of superannuation, nothing remained to be agitated by these applicants. In the circumstances, we deem it appropriate to pass the following order :-

ORDER

(i) All these Transferred Applications stand disposed of being infructuous with liberty to both

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T.A. NO. 11/1999
(W.P. NO. 3251/1993) & Group

the parties to again approach the Tribunal, if some dispute is subsisting

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

MEMBER (A)

ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 851/2009

(Sunita S. Sabu @ Sunita S. Pophale Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Heard Shri Ajay Deshpande, 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, learned counsel for the applicant submits that Writ Petition has been filed by the present applicant before the Hon'ble High Court and unless said petition is decided, the present Original Application cannot be adjudicated.

3. S.O. to 7.3.2024.

MEMBER (A)

ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

M.A. NO. 496/2023 IN O.A. NO. 222/2023
(Vijay U. Awadhane & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023
ORAL ORDER :

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

2. When the present matter is taken up for consideration, learned Chief Presenting Officer made a statement that the work of finalizing the seniority list is on the verge of its completion and is likely to be completed by the end of this month. Learned C.P.O. further submitted that the orders of promotions are thus not likely to be issued till the next date. In view of the submission so made, the matter stands over to 02.01.2024.

MEMBER (A)
ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 186/2023
(Anand Indrason Dhale Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri A.D. Sugdare, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of the respondent nos. 1 to 4. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 15.1.2024 for filing the rejoinder affidavit, if any, by the applicant.

MEMBER (A)
ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1025/2019
(Dr. Sangeeta S. Patil Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. This is a motion for speaking to minutes. Learned counsel for the applicant submitted that in the order passed by this Tribunal on 30.11.2023 in O.A. No. 1025/2019, in the order clause the designation of the applicant inadvertently stated as 'Medical Officer', whereas it should be 'Assistant Lecturer'. The necessary correction as asked for be carried out and corrected copy of the order be given to the concerned.

MEMBER (A)

ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 363/2010
(Dileep Waghoji Chaoure Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Shri J.B. Choudhary, learned counsel for the applicant (**leave note**). Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, is present.

2. S.O. to 19.12.2023.

MEMBER (A)
ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1027/2022
(Dr. Sachin O. Khakare Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer has tendered the short affidavit in reply on behalf of respondent no. 1. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 17.1.2024 for filing rejoinder, if any, by the applicant.

MEMBER (A)

ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1026/2022
(Dr. Pradeep V. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

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

2. Learned Presenting Officer has tendered the affidavit in reply on behalf of respondent no. 1. Same is taken on record and copy thereof has been supplied to other side.

3. S.O. to 17.1.2024 for filing rejoinder, if any, by the applicant.

MEMBER (A)

ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

**O.A. NOS. 997, 998, 999, 1000, 1001, 1002, 1003,
1004, 1005, 1006, 1097 & 1098 ALL OF 2019
(Dr. Ahmed Munibuddin & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 06.12.2023

ORAL ORDER :

Shri M.R. Kulkarni, learned counsel for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters, are present.

2. S.O. to 15.12.2023 for hearing. The interim relief granted earlier to continue till then.

MEMBER (A)
ARJ ORAL ORDER 06.12.2023

VICE CHAIRMAN

- (1) ORIGINAL APPLICATION NO. 56/2019
(Dr. Balaji M.Mirkute Vs. State of Maharashtra & Ors.)
- (2) ORIGINAL APPLICATION NO. 57/2019
(Dr. Ashok N. Khandare Vs. State of Maharashtra & Ors.)
- (3) ORIGINAL APPLICATION NO. 58/2019
(Dr. Pratap D. Chavan Vs. State of Maharashtra & Ors.)
- (4) ORIGINAL APPLICATION NO. 59/2019
(Dr. Amrit K. Chavan Vs. State of Maharashtra & Ors.)
- (5) ORIGINAL APPLICATION NO. 60/2019
(Dr. Pravin K. Munde Vs. State of Maharashtra & Ors.)
- (6) ORIGINAL APPLICATION NO. 61/2019
(Dr. Rajabhau S. Butte Vs. State of Maharashtra & Ors.)
- (7) ORIGINAL APPLICATION NO. 62/2019
(Dr. Vasant D. Pawar Vs. State of Maharashtra & Ors.)
- (8) ORIGINAL APPLICATION NO. 63/2019
(Dr. Vijay D. Kasbe Vs. State of Maharashtra & Ors.)
- (9) ORIGINAL APPLICATION NO. 64/2019
(Dr. Md. Amjadullah Md. Lutfullah Vs. State of Maharashtra & Ors.)
- (10) ORIGINAL APPLICATION NO. 65/2019
(Dr. Sheshrao B. Chavan Vs. State of Maharashtra & Ors.)
- (11) ORIGINAL APPLICATION NO. 66/2019
(Dr. Farhat Anjum Zikre Mohd. Ayyub Vs. State of Maharashtra & Ors.)
- (12) ORIGINAL APPLICATION NO. 67/2019
(Dr. Rajendra S. Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 06.12.2023

ORAL ORDER :

Heard Shri M.R. Kulkarni, learned counsel for the applicants in all these matters, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these matters and Smt. Yogita S. Thorat, learned counsel for respondent nos. 4 & 5 in all these matters.

2. Since in all these applications the grievance raised and the prayers made are identical, we have heard all these matters together and deem it appropriate to decide all these applications by a common reasoning.

3. The applicants in all these Original Applications entered into the Government service as the Medical Officers on ad-hoc/temporary basis before the year 2005. Some of them have joined the Government services on ad-hoc basis in the year 1999 and in the spread over period from 1999 to 2005 all these applicants were appointed on temporary basis. Vide Government Resolution dated 02.02.2009 issued by the respondent no. 01 the services of all these applicants were regularized and

they were provided with regular pay scale and all other benefits being paid for the regular employees. The pay of all these applicants was adequately revised and the arrears were also paid to the applicants.

4. It was, however, subsequently felt by the respondents that it was not permissible to consider the services rendered by these applicants prior to their absorption/regularization in the Government services and, as such, vide the order dated 31.12.2018, recovery was directed by the respondents for the monetary benefits paid to the applicants during the period between 15.2.2009 to 30.11.2018 from the wages of the applicants. The applicants, therefore, approached this Tribunal and obtained Status-quo/interim relief, whereby the recovery as alleged vide the order dated 31.12.2018 was stayed.

5. During the pendency of the present Original Applications, the Government has issued G.R. dated 8.11.2023. We deem it appropriate to reproduce the said G.R. as it is in vernacular, which reads thus :-

“वाचा :-

१. शासन अधिसूचना क्रं. मवेअ-१००८/२०४/प्र.क्र.११६/सेवा-३, दि. ०२.०२.२००९.
२. मुळ अर्ज क्रं. २४२/०९ व इतर अर्ज मधील मा. मॅट, मुंबई यांचे आदेश दि.०२.०५.२०१६.

प्रस्तावणा :-

सन २००५ पुर्वी नियमित पदावर अस्थायी सेवेत कार्यरत असलेल्या व दि. ०२.०२.२००९ रोजीच्या अधिसूचनेन्वये नियमित सेवेत समावेशन झालेल्या वैद्यकीय अधिकारी, गट-अ यांना महाराष्ट्र प्रशासकीय न्यायाधिकरण (मा. मॅट, मुंबई) यांच्या आदेशानुसार अस्थायी सेवा कालावधीतील सेवा अर्जित रजा व वेतनवाढीसाठी ग्राह्य धरण्याबाबतचा प्रस्ताव शासनाच्या विचाराधिन होता.

शासन निर्णय :-

मा. उच्च न्यायालय, मुंबई मधील रिट याचिका क्रं. २३०३/२०१९, महाराष्ट्र शासन विरुद्ध डॉ. राजेश गायकवाड व इतर ही याचिका मागे घेण्यास शासन मान्यता देण्यात येत आहे.

२. उक्त याचिकेतील सन २००५ पुर्वी नियमित पदावर अस्थायी सेवेत कार्यरत असलेल्या व दि. ०२.०२.२००९ रोजीच्या अधिसूचनेन्वये (सन २००९ व सन २०१० अशा दोन टप्प्यात) नियमित सेवेत समावेशन झालेल्या सर्व वैद्यकीय अधिकारी, गट-अ यांना महाराष्ट्र प्रशासकीय न्यायाधिकरण (मा. मॅट, मुंबई) यांच्या आदेशानुसार नियमित पदावर केलेल्या अस्थायी सेवेच्या कालावधीतील तांत्रिक खंड अर्जित रजेमध्ये रूपांतरीत करून सदर सेवा कालावधीतील अर्जित रजा व वार्षिक वेतनवाढी मंजूर करूनसदरचे वैद्यकीय अधिकारी समावेशनापूर्वी नियमित

पदावर ज्या तारखेला अस्थायी स्वरूपात सेवेमध्ये प्रथमतः हजर झाले त्या तारखेपासून आजपावेतोची वेतननिश्चिती करण्यास सदर शासन निर्णयाद्वारे मान्यता देण्यात येत आहे.

३. तसेच विधी व न्याय विभागाच्या दि. २८.०२.२०१७ च्या परिपत्रकातील तत्व/निर्देश दि. ०२.०२.२००९ रोजीच्या अधिसूचनेन्वये (सन २००९ व सन २०१० अशा दोन टप्प्यात) समावेशन झालेल्या उर्वरित वैद्यकीय अधिकारी, गट-अ (एस-२०) यांना लागू करण्यात येऊन त्यांचेदेखील नियमित पदावर केलेल्या अस्थायी सेवेच्या कालावधीतील तांत्रिक खंड अर्जित रजेमध्ये रूपांतरीत करून सदर सेवा कालावधीतील अर्जित रजा व वार्षिक वेतनवाढी मंजूर करून सदरचे वैद्यकीय अधिकारी समावेशनापूर्वी नियमित पदावर ज्या तारखेला अस्थायी स्वरूपात सेवेमध्ये प्रथमतः हजर झाले त्या तारखेपासून आजपावेतोची वेतन निश्चिती करण्यास सदर शासन निर्णयाद्वारे मान्यता देण्यात येत आहे.

४. सदर क्रं. १ येथील दि.०२.०२.२००९ रोजीच्या अधिसूचनेन्वये (सन २००९ व २०१० अशा दोन टप्प्यात) समावेशन झालेले सर्व वैद्यकीय अधिकारी, गट-अ हे समावेशनापूर्वी नियमित पदावर ज्या तारखेला अस्थायी स्वरूपात सेवेमध्ये प्रथमतः हजर झाले त्यातारखे पासून आजपावेतोची वेतननिश्चितीचा स्वयंपूर्ण/परिपूर्ण प्रस्ताव संबंधित कार्यालय प्रमुखांनी मूळ रेकॉर्डसह विभागास मान्यतेस्तव सादर करावा.

५. सदर शासन आदेश महाराष्ट्र शासनाच्या www.maharashtra.gov.in या सेकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०२३११०८१३१७४७४८१७ असा आहे. सदर शासन आदेश डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.”

5. The recovery was directed against the applicants on the ground that though the applicants were not entitled for any monetary benefits on the strength of G.R. dated 02.02.2009 of the period before regularization. Such benefit was wrongly given to the applicant. Now the Government itself has resolved to extend all such benefits even of the period during which the applicants did provide their service as ad-hoc or temporary appointees vide G.R. dated 8.11.2023, reproduced hereinabove.

6. In view of the aforesaid G.R., in fact, nothing survives to be adjudicated, since the very request of the applicants has been accepted by the Government. Since there was an interim order restraining the respondents from recovering any amount as directed vide the impugned order, the recovery has not been made. As has been submitted by the learned counsel for the applicants all the monetary benefits have been already received by these applicants. The Government has now ratified the said position. In the aforesaid circumstances, all these Original Applications deserve to be disposed of in view of the aforesaid G.R.

7. The learned counsel for the applicants submitted that the applicants have already received the benefit, which has been granted by the G.R. dated 8.11.2023. The learned counsel however further submitted that since the benefit granted on the strength of earlier G.R. dated 2.2.2009 were withdrawn in the year 2018 and the recovery was directed of the benefits so earned by the applicants. Learned counsel further submitted that in view of G.R. dated 8.11.2023 it has been crystalized that the Medical Officers in the employment of the Government on temporary or ad-hoc basis, since prior to year 2005 and who were in the services on the strength of G.R. dated 2.2.2009 are held entitled for considering the services rendered by them in the period prior to their regularization for all service purposes and it has been further directed that their pay has to be fixed from the date they entered into the Government service on ad-hoc or temporary basis. In the aforesaid G.R. vide para 04 thereof the Government has, therefore, sought necessary particulars i.e. date of first appointment on ad-hoc or temporary basis before the date of regularization so that it will be convenient for carrying out the

work of fixation from the date of initial appointment of the Medical Officers on ad-hoc or temporary basis till date. Such a information is to be provided by the concerned Head of the offices with original record. The learned counsel submitted that the present applications can be disposed of by giving directions to the respective office heads to forward the proposals as stated in clause 11 of the G.R. dated 8.11.2023 as expeditiously as possible so that the pay fixation can be promptly and effectively done. Learned P.O. has consented for disposing of the present Original Applications with the aforesaid directions.

8. These Original Applications are filed with a prayer that the order dated 31.12.2018 issued by the CEO of respective Zilla Parishads, thereby cancelling the earlier order of pay fixation and directing recovery of the monetary benefits paid to the applicants on the basis of the earlier pay fixation.

9. In view of the latest G.R. issued by the Government on 8.11.2023, the orders impugned in

the present O.As. have been impliedly set aside. However, the formal order in that regard would be necessary. After having considered the submissions advanced on behalf of the parties and with concurrence of both the parties, we deem it appropriate to pass the following order :-

ORDER

(i) The orders issued by the Chief Executive Officer of the respective Zilla Parishads, thereby cancelling the earlier order of pay fixation based on G.R. dated 02.02.2009 and consequent direction to recover the monetary benefits paid to the applicants are quashed and set aside.

(ii) Office Head of the respective offices shall collect, prepare and forward the data of Medical Officers in respect of the period of services rendered by these Medical Officers and wages earned by them prior to their regularization/absorption from the date of the initial appointment as expeditiously as possible and preferably within the period of 03 months from the date of this order.

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(iii) The Original Applications stand disposed of in the aforesaid terms without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ARJ ORAL ORDER 06.12.2023