ORIGINAL APPLICATION NO. 797/2016 (Shri Gaurav A. Chavan Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri C.V. Thombre, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned counsel for the applicant has tendered across the bar the compilation of the judgments to buttress the issues raised by the applicant in the present matter. The said compilation is taken on record and copy thereof is supplied to the learned P.O. The learned P.O. submits that he will go through the same and make his submissions on the next date.
- 3. S.O. to 15.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 891/2018 (Dr. Uddhav S. Khaire Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Dr. Uddhav S. Khaire, party-in-person and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

- 2. Dr. Uddhav S. Khaire, party-in-person submits that he intends to engage another lawyer and has obtained NOC from earlier Counsel, who was representing him and has sought time therefor. Time granted. Shri V.B. Wagh, learned counsel is discharged from appearance.
- 3. S.O. to 16.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 247/2021 (Shri Ashok B. Dhokle Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Smt. Suchita Dhongde, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned counsel for the applicant submits that the applicant is not intended to file rejoinder affidavit.
- 3. In the circumstances, list the matter for hearing on 22.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 14/2022 (Shri Baburao S. Mule & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri A.V. Thombre, learned counsel holding for Shri S.S. Thombre, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

- 2. It is brought to our notice that despite availing the adequate opportunities to file the affidavit in reply it is not filed. The learned P.O. has sought time by way of last chance. Time granted. It is clarified that if the affidavit in reply is not filed on the next given date, the respondents may not be permitted to file the reply thereafter or may be imposed with heavy costs, if permission is sought therefor.
- 3. S.O. to 16.11.2022.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 23/2022 IN O.A. NO. 683/2019 (Shri Shivaji M. Ghantewad Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri K.B. Jadhav, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

- 2. Await service of notice on respondent no. 3.
- 3. S.O. to 4.11.2022.

MEMBER (A)

VICE CHAIRMAN

C.P. NO. 24/2022 IN O.A. NO. 902/2019 (Shri Shivaji M. Thorat Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

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. Await service of notice upon the respondent no. 3.
- 3. S.O. to 4.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 811/2022

(Association of Ministerial services of Department of Agriculture, M.S., Pune & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri A.S. Shelke, 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 18.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 144/2022 (Dr. Dayanand P. Jagtap Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned Presenting Officer has sought time for filing the affidavit in reply. Time granted as a last chance.
- 3. S.O. to 25.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 190/2022 (Shri Devendra S. Gunday Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri S.G. Kulkarni, learned counsel holding for Shri Ajay S. Deshpande, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned Presenting Officer has sought time for filing the affidavit in reply. Time granted as a last chance.
- 3. S.O. to 25.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 310/2022 (Shri Shivaji M. Deshmukh Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri M.M. Kolhe, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned Presenting Officer has sought time for filing the affidavit in reply. Time granted as a last chance.
- 3. S.O. to 28.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 104/2022 (Shri Bhagwan N. Ugalmugale Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Smt. Priya R. Bharaswadkar, 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 15.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 913/2019 (Shri Shrish D. Deshmukh & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri K.B. Jadhav, learned Counsel for the applicants, Shri M.P. Gude, learned Presenting Officer for the respondent authorities, Shri S.B. Deshpanbde, learned counsel for respondent no. 6 and Shri V.B. Wagh, learned counsel for respondent nos. 7 to 19, are present.

2. List Original Application No. 612/2019 along with the present matter on 11.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 877/2022 (Shri Deelip R. Sonar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

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. It is the grievance of the applicant that the Departmental Enquiry has been initiated 02 years after his retirement and the charges in the said D.E. are in respect of the misconduct of the period prior to 04 years of institution of such D.E. In the circumstances, the learned counsel has prayed for interim relief thereby restraining the respondents to proceed with the said enquiry further till the decision of the present O.A.
- 3. The learned Chief Presenting Officer has opposed for granting any such relief and has sought time for filing the affidavit in reply.
- 4. After having considered the submissions advanced by the learned counsel appearing for the applicant and the leaned C.P.O. for the respondents, it appears to us that, no such interim relief can be granted as has been prayed for by the applicant and it would be necessary to have the affidavit in reply of the respondents on the facts and legal aspects raised in the present matter.

- 5. In the circumstances, issue notice to the respondents, returnable on 23.11.2022.
- 7. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. S.O. to 23.11.2022.
- 12. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 878/2022 (Shri Dattatray A. Galgate Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

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

- 2. Issue notice to the respondents, returnable on 24.11.2022.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. S.O. to 24.11.2022.
- 8. Steno copy and Hamdast is allowed to both parties.

M.A. ST. NO. 1498/2022 IN O.A. ST. NO. 1499/2022 (Shri Ajay S. Rathod & Ors. Vs. State of Maharashtra & Ors.) WITH

M.A. ST. NO. 1500/2022 IN O.A. ST. NO. 1501/2022 (Shri Chandrakant K. Sanap & Ors. Vs. State of Maharashtra & Ors.) WITH

M.A. ST. NO. 1502/2022 IN O.A. ST. NO. 1503/2022 (Shri Rahul Y. Pawal & Ors. Vs. State of Maharashtra & Ors.) WITH

M.A. ST. NO. 1504/2022 IN O.A. ST. NO. 1505/2022 (Shri Pankaj R. Rathod & Ors. Vs. State of Maharashtra & Ors.) WITH

M.A. ST. NO. 1506/2022 IN O.A. ST. NO. 1507/2022 (Shri Dipak D. Sanap & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Heard Shri M.S. Karad, learned Counsel for the applicants in all these matters and S/shri M.S. Mahajan, S.K. Shirse, V.R. Bhumkar, I.S. Thorat & Smt. Deepali S. Deshpande, learned Chief Presenting Officer & Presenting Officers for the respondent authorities in respective matters.

- 2. These are the applications preferred by the applicants seeking leave to sue jointly.
- 3. For the reasons stated in the applications, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.
- 4. Accompanying O.As. be registered and numbered, after removal of office objections, if any. The present M.As. stand disposed of accordingly without any order as to costs.

MEMBER (A)

O.A. ST. NO. 1499/2022

(Shri Ajay S. Rathod & Ors. Vs. State of Maharashtra & Ors.)
WITH

O.A. ST. NO. 1501/2022

(Shri Chandrakant K. Sanap & Ors. Vs. State of Maharashtra & Ors.)
WITH

O.A. ST. NO. 1503/2022

(Shri Rahul Y. Pawal & Ors. Vs. State of Maharashtra & Ors.)
WITH

O.A. ST. NO. 1505/2022

(Shri Pankaj R. Rathod & Ors. Vs. State of Maharashtra & Ors.)
WITH

O.A. ST. NO. 1507/2022

(Shri Dipak D. Sanap & Ors. Vs. State of Maharashtra & Ors.)
WITH

O.A. ST. NO. 1508/2022

(Shri Yuvraj N. Rakh Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri M.S. Karad, learned Counsel for the applicants in all these matters and S/shri M.S. Mahajan, S.K. Shirse, V.R. Bhumkar, I.S. Thorat, M.P. Gude & Smt. Deepali S. Deshpande, learned Chief Presenting Officer & Presenting Officers for the respondent authorities in respective matters, are present.

2. Heard the learned counsel for the applicants on the objection as has been raised by the Registry in respect of territorial jurisdiction. The Office has raised the objection that the claim of the present applicants do not come within the territorial jurisdiction of this Tribunal as the advertisement was issued by the respondent no. 5 for filling the posts in Nashik Region. The learned counsel pointed

out that the certificates on the basis of which the eligibility of the present applicants is to be decided has been rejected by the Officers posted at Beed and Latur and as such the cause of action had arisen within the territorial jurisdiction of this Tribunal. We are convinced with the submissions so made by the learned counsel. In the circumstances the objection as has been raised by the Office would not sustain.

- 3. Issue notice to the respondents, returnable on 24.11.2022.
- 4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 6. Applicants are 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.
- 7. 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.
- 8. 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. Applicants are directed to file affidavit of compliance and notice.
- 9. S.O. to 24.11.2022.
- 10. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 788/2019 (Shri Santoshkumar A. Kaul Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri S.B. Bhosale, learned Counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri S.D. Dhongde, learned counsel or respondent no. 2, are present.

2. With the consent of both the sides, S.O. to 15.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 966, 967, 968, 969, 970, 971, 972, 974, 975, 976, 977, 978, 979 ALL OF 2019 & O.A. 537/2020

(Prakash V. Deshpande & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri V.G. Pingle, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in all these cases, Shri S.B. Mene, learned counsel for respondent No. 5 in O.A. No. 968/2019 and for respondent Nos. 3 & 4 in O.A. No. 978/2019, Shri N.U. Yadav, learned counsel for respondent No. 5 in O.A. Nos. 970, 971/2019 and Shri Shamsunder B. Patil, learned counsel for respondent No. 5 in O.A. No. 975/2019 and for respondent No. 6 in O.A. No. 537/2020, are present.

- 2. The learned CPO has tendered across the bar the affidavits in reply of respondent no. 3 and respondent nos. 1 to 3 in O.A No. 966/2019 and 979/2019 respectively and has also undertaken to deposit the costs today itself. The said replies are taken on record and copies thereof are supplied to other side. The learned CPO submits that in other matters the respondent no. 3 may adopt the same reply however he will make submission in this behalf on the next date.
- 3. S.O. to 25.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

O.A.NOS. 658 TO 661 ALL OF 2021 AND O.A.NOS. 182 TO 187 ALL OF 2022

(Sayyed Taufik Harun & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri M.S. Karad, 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 in all these matters, are present.

- 2. The learned counsel for the applicants has brought to our notice that despite last chance granted for filing the affidavit in reply, the same is not filed today. The learned CPO submits that the proposals are already forwarded and the replies will be filed within 3 weeks from today. The request as has been made by the learned CPO is opposed by the learned counsel.
- 3. We have perused the earlier orders passed by us which reveal that adequate opportunities are already given to the respondents for filing the affidavit in reply. In the circumstances, we place the present matters for hearing without reply.
- 4. S.O. to 11.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 417/2022 IN O.A. NO. 601/2022 (Shri Deepak U. Kulkarni Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Heard Shri S.D. Munde, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

- 2. The learned Presenting Officer has tendered across the bar the affidavit in reply of respondent nos. 1 to 3 in O.A. The same is taken on record and copy thereof has been supplied to other side.
- 3. The present M.A. is filed by the applicant seeking leave to bring on record the subsequent events occurred after filing the O.A. The learned Counsel for the applicant, in the circumstances, prayed for allowing M.A.
- 4. The subsequent events occurred during the pendency of Original Application are sought to be brought on record by way of amendment and additional prayer in that context is also made.
- 5. The learned P.O. has submitted for passing appropriate order.
- 6. After having considered the submissions of the learned Counsel for the applicant, we are satisfied that sufficient case is made out by the applicant for allowing the

M.A. The amendment has certainly nexus with the relief as has been sought by the applicant in the O.A. In the circumstances, we are inclined to allow the M.A. Hence, the following order:-

ORDER

- (i) M.A. No. 417/2022 is allowed with no costs.
- (ii) The applicant to carry out the necessary amendment in O.A. within one week from the date of this order and supply amended copy of O.A. to the other side.
- (iii) It would be open for the respondents to file additional reply to the amended O.A.
- (iv) O.A. to come on board on 22.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 635/2021 (Shri Badrinath B. Nimbalkar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

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

2. S.O. to 23.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 676/2021 (Shri Navnath J. Kachare Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri K.B. Jadhav, learned counsel holding for Shri Ashish Rajkar, learned Counsel for the applicant, Shri B.S. Deokar, learned Presenting Officer for the respondent authorities and Shri A.D. Gadekar, learned counsel for respondent nos. 5 & 6, are present.

2. S.O. to 23.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 82/2021 IN M.A. ST. NO. 276/2021 IN O.A. NO. 34/2011 (Shri Bharat B. Sangale Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri Swaraj Tandale, learned counsel holding for Shri S.R. Kedar, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 111/2021 IN O.A. ST. NO. 439/2021 (Shri Shivaji T. Kote & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Ms. Preeti Wankhade, learned Counsel for the applicant, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities and Shri J.M. Murkute, learned counsel for respondent nos. 35, 50, 58 & 59, are present.

2. S.O. to 21.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 556/2014 (Shri Sanjay R. Patange Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri Saket Joshi, learned counsel holding for Shri Avinash S. Deshmukh, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 641/2015 (Shri Bhagatsingh P. Patil (Pawar) Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri S.D. Joshi, learned Counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 23.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 758/2015 (Dr. Tanuja S. Kulkarni Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 24.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 223/2016 (Shri Krishnakumar G. Kachawar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri Sanjay Kumar Chavan, learned Counsel for the applicant (**absent**). Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, is present. Shri D.Y. Nandedkar, learned counsel for respondent no. 4 (**absent**).

2. In view of absence of learned counsel for the applicant and learned counsel for respondent no. 4, S.O. to 25.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 598/2018 (Shri Ganpat G. Sansare Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Ms. Anagha Pandit, learned counsel holding for Shri S.B. Talekar, learned Counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 28.11.2022 for final hearing.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 185/2021 IN O.A. 257/2021 (Shri Nanasaheb L. Gaikwad Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

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

- 2. With the consent of both the sides, S.O. to 12.10.2022 for hearing. **High on Board**.
- 3. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 192/2021 IN O.A. 258/2021 (Shri Laxman N. Sormare Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

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

- 2. With the consent of both the sides, S.O. to 12.10.2022 for hearing. **High on Board**.
- 3. The interim relief granted earlier to continue till then.

MEMBER (A)

VICE CHAIRMAN

O.A. NOS. 42 AND 43 BOTH OF 2019 (Shri Ramraje G. Pawar & Anr. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri K.G. Salunke, learned Counsel for the applicants in both the matters and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities in both the matters, are present.

2. With the consent of both the sides, S.O. to 11.10.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1007/2019 (Mustafa D. Khonde Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

S/shri K.R. / S.K. Doke, learned Counsel for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondent authorities, is present.

2. In view of absence of learned counsel for the applicant, S.O. to 10.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 136/2020 (Shri Rameshwar G. Kadam Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri S.S. Deogude, learned counsel holding for Shri P.D. Suryawanshi, learned Counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

- 2. The learned P.O. has tendered across the bar the reply of respondent no. 1. It is taken on record and copy thereof has been supplied to other side.
- 3. S.O. to 18.11.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

M.A. 68/2022 IN O.A. 692/2021 (Shri Sachin S. Kamble Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri C.V. Dharurkar, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 3.11.2022 for reporting compliance as per order dated 6.4.2022 and filing reply of respondents as per order dated 23.2.2022 and for haring.

MEMBER (A)

VICE CHAIRMAN

M.A. NO. 340/2022 IN O.A. NO. 588/2022

(Shri Ramesh M. Chavan Vs. State of Maharashtra & Ors.)
WITH

M.A. NO. 341/2022 IN O.A. NO. 589/2022

(Shri Vijaykumar A. Niak Vs. State of Maharashtra & Ors.) WITH

M.A. NO. 342/2022 IN O.A. NO. 590/2022

(Shri Shivaji R. Potdar Vs. State of Maharashtra & Ors.) WITH

M.A. NO. 343/2022 IN O.A. NO. 591/2022

(Khaja Latifoddin Mohd. Hasnuddin & Ors. Vs. State of Maharashtra &

Ors.) WITH

M.A. NO. 344/2022 IN O.A. NO. 592/2022

(Shri Gangadhar S. Pentewad Vs. State of Maharashtra & Ors.)
WITH

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri A.V. Lavate, 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. List the present matters for hearing on 12.10.2022 without reply of the respondents.

MEMBER (A)

VICE CHAIRMAN

M.A. 441/2022 IN O.A. 311/2022 (Dr. Arun N. Sarule & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 7.10.2022

ORAL ORDER:

Shri J.S. Deshmukh, learned Counsel for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 10.10.2022 for hearing.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 870/2022 (Shri Shantaram M. Shinde Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Heard Shri V.B. Wagh, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

- 2. The learned Presenting Officer has tendered across the bar the communication dated 6.10.2022 received to the office of Chief Presenting Officer from the Deputy Commissioner (Administration), Social Welfare Commissionerate, M.S., Pune. Along with the said communication the order whereby the applicant has been suspended is also annexed. The said documents are taken on record and copies thereof are supplied to other side.
- 3. The applicant was working on the post of Head Clerk and in the Departmental Promotion Committee meeting held on 18.5.2022 he was promoted to the post of Office Superintendent. On 20.7.2022 the promotion order came to be issued. After the promotion the applicant was posted at District Welfare Office, Zilla Parishad, Hingoli on the vacant post. He was directed to join the said post within 30 days of receiving the said order. On 21.7.2022 the applicant made a representation requesting the authorities to consider for giving him posting on the promotional post at Solapur as at Solapur also the promotional post was

vacant. As is revealing from the record on 30.8.2022 also another representation was made by the applicant pursuing his request for posting at Sulapur instead of Hingoli. On 2.9.2022 the applicant was informed that his request has been turned down and since he has been relieved from the earlier post, but has not joined at the promotional place, there appears reason to believe that the applicant is not interested in promotion. It was further mentioned that the applicant has committed breach of condition no. 2 incorporated in the order of promotion and hence the necessary action is being taken against him. The said letter was replied by the applicant on 6.9.2022 wherein as has been pointed out by the learned counsel, the applicant has clarified that he was very much interested in joining on the promotional post and the request made by him shall not be interpreted to mean that he is not interested in promotion. Thereafter on 15.9.2022 the respondent no. 2 passed the impugned order thereby cancelling the promotion granted in favour of the applicant and directed him to join on the post of Head Clerk at Latur. The applicant has challenged the said order by filing the present application.

4. It is the contention of the applicant that there were certain genuine problems and that was the reason that request was made by him to consider him for posting at Solapur as at Solapur also the promotional post was vacant. The learned counsel submitted that in the letter earlier written and written on 8.9.2022 also the applicant has clarified that he was very much interested in joining on the promotional post. The learned counsel submits that the applicant is ready to join at Hingoli on the post he was posted vide order dated 20.7.2022. The learned counsel has also brought to our notice that he has availed the

remedy of filing the appeal before the departmental appellate authority i.e. the Secretary against the order dated 15.9.2022. The learned counsel in the circumstances has prayed for granting of interim relief thereby staying the effect and operation of the order dated 15.9.2022.

- 5. As mentioned above, the learned Presenting Officer has tendered across the bar the communication dated 6.10.2022 received to the office of Chief Presenting Officer from the office of respondent no. 2. From the contents of the aforesaid communication 02 facts have come on record, first that the post of Office Superintendent is still vacant at Hingoli and other that the applicant has been placed under suspension vide order dated 6.10.2022. In view of the order of suspension it has been contended on behalf of the respondents that now the earlier orders have become redundant and no relief as has been sought by the applicant can be granted much-less the interim relief as has been prayed for by the applicant.
- We have considered the submissions advanced on 6. behalf of the applicant, as well as, on behalf of the respondents. We have perused the documents filed on record. It is not in dispute that the applicant was considered for promotion in the DPC meeting held on 18.5.2022 and was found eligible for such promotion. Accordingly the order of promotion was issued on 20.7.2022 and the applicant was posted at Hingoli. The documents on record show that immediately on the next day the applicant preferred a representation praying for a posting at Solapur instead of Hingoli claiming that at Solapur also the promotional post was available and vacant.

- 7. The documents on record further reveal that further correspondence was made from both the sides and ultimately the respondent no. 2 resolved to cancel the promotion granted in favour of the applicant by referring to G.R. dated 12.9.2016. As noted above, the applicant has now shown his willingness to join at Hingoli on the promotional post. It has come on record that the promotional post at Hingoli is still vacant. It has also come on record that the order of cancellation of promotion is questioned by the applicant before the appellate authority and no decision has yet been taken by the said authority.
- 8. For the reasons stated above it appears to us that the directions can be issued to the first appellate authority to decide the representation made by the applicant by way of an appeal within 04 weeks from the date of this order and till then the promotional post at Hingoli shall be directed to be kept vacant. Insofar as the contention raised on behalf of the respondents that the applicant now stands suspended and hence no such order can be passed has not impressed us much since all these are subsequent events.
- 9. For the reasons stated above and without going into the merits of the other aspects raised in the matter, we are inclined to dispose of the present O.A. with the following order:-

ORDER

(1) Respondent no. 1 shall decide the representation-cum-appeal filed by the applicant before the said authority on 19.9.2022 within 04 weeks from the date of this order and till then the promotional post of Office Superintendent in the

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office of District Social Welfare Officer, Zilla Parishad, Hingoli be kept vacant.

(2) The present Original Application stands disposed of in above terms without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 761 OF 2022 (Balu Namdev Bhosale & Anr. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

Heard Shri S.S. Dambe, learned counsel for the applicants, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri D.B. Gaikwad, learned counsel for respondent No. 2.

- 2. The Government of Maharashtra has resolved to fill the posts of Craft Instructors in the Industrial Training Institutes (for short I.T.I.) in the State. It is the contention of the applicants that the candidates who have C.I.T.S. qualification only would have been made eligible for the said post.
- 3. Shri Dambe, learned counsel appearing for the applicants submitted that the Central Government has time to time issued guidelines in respect of eligibility criteria for the post of Craft Instructors and has prescribed C.I.T.S. qualification therefor. Shri Dambe, learned counsel further submitted that the State in violation of the said guidelines has diluted the eligibility criteria and the candidates not having the C.I.T.S. qualification are also made eligible for appointment to the said post. The learned counsel relying on the following 02 judgments
 - (i) Suresh Kumar Bairagi & Others Vs. State of Uttarakhand & Others, W.P. No. 775/2010 (Hon'ble High Court of Uttarakhand at Nainital); and

(ii) Upendra Narainsingh S/o Ram Vs. State of UP, decided on 8th August, 2006 by Hon'ble Allahabad High Court.

submitted that the guidelines issued by the Central Government are binding on the State Government. The learned counsel submitted that the recruitment process is in progress and if allowed to be completed, the persons not having the qualification of C.I.T.S. are also likely to be selected. The learned counsel submitted that large number of candidates having the C.I.T.S. qualification are available in the State. The learned counsel in the circumstances prayed for mandating the State not to hold the candidates not having C.I.T.S. qualification eligible for the said post and in the meanwhile stay the recruitment process till decision of the present O.A.

- 4. Learned Chief Presenting Officer has pointed out that the process of recruitment shall not be arrested. Learned C.P.O. further submitted that the Common Entrance Test has been completed, the answer key has been published and the candidates are given time to raise objections from 4th October till 6th October, 2022 i.e. till yesterday. It is submitted that for deciding this objection time about 15 days to 3 weeks will be required and only thereafter result would be declared of the CET and thereafter the stage is for the skill test.
- 5. We have carefully considered the submissions advanced on behalf of the parties. The applicants have placed on record several documents demonstrating that the Central Government has time to time issued directions to the State Government in respect of the qualification for appointment of the candidates more particularly Craft Instructors and the higher Officers in the I.T.Is., which are

technical Institutions. The coordination and determination of standards in Technical Institutes, which includes teachers' qualification, fall under Entry 66 in List-I in the exclusive domain of the Union. The education including technical education falls within Entry 25 of List III.

6. As held by Hon'ble Allahabad High Court in the judgment in the case of *Upendra Narainsingh S/o Ram**Vs. State of UP (cited supra) so long the Central Government had not issued any direction accepting recommendations of the NCVT, it was open for the State Government to prescribe qualification for appointment in I.T.Is., which are technical institutions. We deem it appropriate to reproduce herein below the observations made in the judgment of Hon'ble Allahabad High Court in para 26 of the said judgment:-

"26. The interrelation between Entry 25 of List III and Entry 66 of List I was subject matter of consideration in Union of India v. Shah Goverdhan L. Kabra Teachers College. The Supreme Court held as under:

Bearing in mind the aforesaid principles of rule of construction, if the provisions of the impugned statute namely, the National Council of Teacher Education Act, 1993 are examined and more particularly Section 17(4) thereof which we have already extracted, the conclusion is irresistible that the statute is one squarely dealing with coordination and determination of standards in institutions for higher education within the meaning of Entry 66 of List I of the Seventh Schedule. Both Entries 65 and 66 of List I empower the Central Legislature to secure the standards of research and the standards of higher education. The object being that the same standards are not lowered at the hands of the particular State or States to the detriment of the national progress and the power of the State legislature must be so exercised as not to directly encroach upon power of Union under Entry 66. The power to co-ordinate does not mean merely the power to evaluate but it means to harmonise or secure

relationship for concerted action. A legislation made for the purpose of co-ordination of standards of higher education is essentially a legislation by the Central legislature in exercise of its competence under Entry 66 of List 1 of the Seventh Schedule and Sub-section (4) of Section 17 merely provides the consequences if an institutions offers a course or training in teacher education in contravention of the Act though the ultimate consequences under Sub-section (4) of Section 17 may be that unqualified teacher will not be entitled to get an employment under the State or Central Government or in a university or in a college. But by no stretch of imagination the said provision can be construed to mean a law dealing with employment as has been held by the High Court in the impugned Judgment."

7. After having considered the observations made by the Hon'ble Allahabad High Court and having regard to other documents filed on record, the applicants have certainly made out a prima-facie case. As has been brought to our notice the recruitment process is in progress. The Common Entrance Test (for short C.E.T.) has been held and the answer key has been published. Time was provided up to 6.10.2022 to the candidates, who have appeared for the C.E.T., to raise their objections in respect of the said key. As has been further submitted by the learned C.P.O. the respondents may take around 03 weeks time to decide the objections, which may receive to the answer key. After objections are decided the result of the C.E.T. would be declared and thereafter the next stage would be to conduct the Skill Test. In fact, by the said time it was possible to hear the present matter finally, however, in between there are Diwali holidays and it may not therefore be possible to finally hear and decide the present O.A. by the end of this month. In the circumstances, we deem it appropriate to pass the following order:-

ORDER

- (i) The respondents may continue the recruitment process to the extent of deciding the objections to the answer key. The respondents, however, shall not declare the result of the said examination till the next date i.e. 7.11.2022.
- (ii) S.O. to 7.11.2022.

MEMBER (A)

VICE CHAIRMAN

O.A.NO. 664/2021 WITH M.A.NO. 77/2022 (Sanjay D. Gangawane & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

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

- 2. Learned Chief Presenting Officer has tendered across the bar affidavit in reply on behalf of respondent Nos. 1 to 3 and the same is taken on record and copy thereof has been served on the learned counsel for the applicant.
- S.O. to 12.10.2022. 3.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 07.10.2022-HDD

ORIGINAL APPLICATION NO. 168 OF 2022 (Shirish R. Yadav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

Heard Shri J.J. Patil, learned counsel for the applicant and Shri S.S. Chapalgaonkar, learned special counsel for the respondents.

- 2. We have heard the arguments of both the counsel at length on the prayer of interim relief. Learned counsel for the applicant has raised several issues based on the following two judgments of the Hon'ble Apex Court,
 - (i) State of Madhya Pradesh Vs. Bani Singh and Another, 1990 (Supp) Supreme Court Cases 738; and
 - (ii) P.V. Mahadevan Vs. MD, T.N. Housing Board, (2005) 6 Supreme Court Cases 636.

and has prayed for restraining the respondents from continuing the enquiry further till the decision of the present Original Application. As against this, it has been argued by the learned counsel appearing for the respondents that having regard to the serious nature of the charges leveled against the applicant it may not be in the larger interest to restrain the respondents

from continuing the enquiry proceedings further. Learned counsel for the respondents further submitted that it was the large scam which surfaced in phases and the role of the persons went on revealing one after another and accordingly the persons were impleaded as accused in the criminal case in that regard. Learned counsel in the circumstances opposed for granting any interim relief.

3. After having gone through pleadings of the present O.A. and after having heard the arguments of the learned counsel for the parties, it appears to us that it may not be in the interest of either of the parties to invite certain observations from this Tribunal at the interim level. In the circumstances, best course will be to hear and dispose of the petition finally. It further appears to us that when admittedly for the misconduct alleged of the year 2005, the charge-sheet has been issued in the year 2021, no prejudice is likely to be caused, if the respondents are restrained from proceeding with the enquiry till the present matter gets disposed of. We may fix the time limit of 3 months for disposing of the present O.A. Hence, the following order: -

ORDER

- (i) The matter shall be fixed for final disposal on 7.11.2022.
- (ii) The parties are directed to proceed with the matter without asking for any adjournment and

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ensure that the matter gets finally disposed of within 3 months from the date of this order. Till then the respondents shall not proceed further in the enquiry proceedings initiated against the applicant.

- (iii) Learned Presenting Officer to communicate this order to the respondents.
- (iv) Steno copy and hamdust is allowed to both the parties.

MEMBER (A)
ORAL ORDERS 07.10.2022-HDD

VICE CHAIRMAN

M.A.NO. 444/2022 IN O.A.NO. 58/2022 (Dr. Sanjay Kumarrao Muley & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Heard Shri S.G. Chapalgaonkar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. The present Miscellaneous Application has been moved for seeking interim relief thereby directing the respondent No. 2, Maharashtra Public Service Commission (for short 'the Commission') to issue call letters to the applicants in O.A. No. 58/2022 and to permit them to participate in the process of interview provisionally subject to final outcome of this Original Application. Learned counsel for the applicants submitted that in view of the order passed by this Tribunal on 21.1.2022 the respondent authorities were not supposed to hold the present applicants not eligible on the same ground, which is under challenge. Learned counsel further submitted that though the initial order was passed by this Tribunal giving directions to the MPSC to accept the application forms of the present applicants provisionally, it was further added that subject to final outcome of the O.A. No. 58/2022. Learned counsel pointed out that the

interviews are scheduled on Monday & Tuesday i.e. on 10^{th} & 11^{th} October, 2022. Learned counsel in the circumstances has prayed for direction to the Commission as has been noted hereinabove.

- 3. Learned Presenting Officer has opposed for granting any ad interim relief as has been prayed for by the applicants. Learned Presenting Officer submitted that in view of the earlier order passed by this Tribunal on 21.01.2022 in O.A. No. 58/2022 the applicants were permitted to present application forms and after scrutiny the respondents have taken a conscious decision not to include the names of the said candidates in the list of eligible candidates.
- 4. considered After having the submissions advanced by the learned counsel appearing for the parties, it appears to us that the earlier order passed this Tribunal on 21.1.2022 has not been understood in proper spirit and perspective. Adjudication is required on the issue which has been raised in the Original Application whether MPH degree from Sri Chitra University is the adequate qualification for the advertised post. Unless the said issue is decided no adverse decision would have been taken by the respondents in respect of the present applicants.
- 5. Since the matter is not likely to be heard today and before 10th or 11th October, 2022, we deem it appropriate to pass the following order:-

:: - 3 - :: M.A.NO. 444/2022 IN O.A.NO. 58/2022

ORDER

The respondent No. 2, the Maharashtra Public Service Commission shall issue call letters to the present applicants and permit them to participate in the process of interview provisionally subject to final outcome of the present Original Application.

- (ii) Learned Presenting Officer shall communicate this order to the M.P.S.C. immediately.
- (iii) Steno copy and hamdust is allowed to both the parties.
- (iv) Accordingly, the present M.A. stands disposed of however, without any order as to costs.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 7.10.2022-HDD

ORIGINAL APPLICATION NO. 58 OF 2022 (Dr. Sanjay Kumarrao Muley & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 7.10.2022

ORAL ORDER:

Shri S.G. Chapalgaonkar, learned counsel for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 18.10.2022.

MEMBER (A)

VICE CHAIRMAN

ORAL ORDERS 7.10.2022-HDD

C.P.NO.29/2020 IN O.A.NO.1014/2019 (Bade Ratanhari Shridhar V/s.

Dr. Tatyarao P. Lahane & Dr. Dilip Govindrao Mhaisekar)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07-10-2022

ORAL ORDER:

Heard Shri C.V.Dharurkar, learned Counsel for the petitioner and Shri V.R.Bhumkar, learned Presenting Officer along with Shri M.S.Mahajan, learned Chief Presenting Officer for the respondents.

- 2. Respondent no.2 is directed to submit a short affidavit on the following issues on the next.
- (i) When was it revealed to the respondents, particularly, respondent no.2 that 78 posts which were reserved for Ex-Servicemen are not likely to be filled in, since no applications were received from the Ex-Servicemen claiming the said posts.
- (ii) After having come to know that there are no candidates available to fill 78 posts reserved for Ex-Servicemen what efforts were made by respondent no.2 to get filled the said posts.

- 3. When the present Contempt Petition was heard for some time, it was brought to our notice by the learned CPO on instructions by Dr. Dilip Mhaisekar, Director, Directorate of Medical Education and Research, Mumbai, who is present before the Tribunal, that for converting the posts reserved for Ex-Servicemen, approval from General Administration Department (GAD for short) is required and the proposal in that regard is forwarded to GAD but has not yet been responded by it. Learned Counsel for the petitioner has disputed this position. According to him neither G.R. dated 16-04-1981 nor G.R. dated 14-05-1986 require any such approval from the GAD.
- 4. It appears to us that we may not show distrust towards the efforts made by Dr. Mhaisekar in approaching the GAD whether it was required or not. In the order earlier passed, we have observed that the following facts are not in dispute, (i) that in the recruitment process carried out, no candidate from Ex-Servicemen category became available and (ii) 78 posts reserved for that category have therefore remained unfilled.

- 5. The documents on record reveal that above position had become clear sometimes in the year 2019 or in the early days of the year 2020. It appears to us that serious efforts must have been made immediately after the position became clear that these 78 posts are not likely to be filled up for want of eligible candidates from category of Ex-Servicemen. At the relevant time, no one will dispute that entire State was facing menace of Corona pandemic and everywhere there was shortage of medical staff and more particularly of Staff In the circumstances, more genuine efforts Nurses. were expected from the officers in the post at the relevant time. Said officers ought to have ensured that all the 78 posts are filled in by complying with the formalities as are mentioned in the relevant G.Rs. However, the fact remains that till this date the said issue has not been resolved.
- 6. In the meanwhile, Writ Petition No.4738/2021 was preferred before the Hon'ble High Court and in the said Writ Petition, learned Assistant Solicitor General of India (ASGI) made a statement that for filling those 78 posts no objection has been received from

Sainik Kalyan Board. It appears that at the relevant time there was an argument from the respondents that unless the No Objection Certificate is received from Sainik Kalyan Board, it was not possible to fill the said posts by the candidates other than Ex-Servicemen and in view of that the said Writ Petition was disposed of. Such order was passed in the said Writ Petition on 14-06-2021.

- 7. We have mentioned all these facts elaborately for the reason that today also the matter has not proceeded an inch further. The proposal has been forwarded according to the submission made by the contemnor General Administration present to Department (GAD). In the circumstances, we direct the Secretary, General Administration Department to look into the matter personally and see that necessary orders are passed on the proposal submitted by the present contemnor to GAD. We expect that the technicalities may not come in the way of resolving the issue.
- 8. We may further observe that the period of more than 2 years has lapsed after having noticed that the

candidates are not available from the category of Ex-Servicemen. It is further brought to our notice that by letter dated 13-07-2020, the Medical Education and Drugs Department has accorded formal permission for conversion of 129 posts of horizontal reservation into social reservation. According to our reading of the above G.Rs. the terms incorporated therein may also not be an impediment for conversion of these posts or according permission to fill the said posts from the candidates other than Ex-Servicemen. A formal approval is sought from the GAD. We hope and trust that the matter will be taken seriously and necessary orders would be passed within 3 weeks from the date of this order.

- 9. Since Secretary, GAD is not party to the present petition, we request learned CPO to communicate this order to Secretary, GAD today itself by fastest mode of communication available.
- 10. S.O. to 03-11-2022 for compliance and filing short affidavit on the above referred points.

MEMBER (A)YUK (!) ORAL ORDERS 07-10-2022

ORIGINAL APPLICATION NO. 873 OF 2022 (Dr. Vidya Madhukar Shingare V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

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

2. S.O. to 10.10.2020 for passing orders.

MEMBER (A)

VICE CHAIRMAN

Review 05/2022 in O.A. No. 981/2019 (Dr. Ravindra K. Deshmukh V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Shri G.V. Mohekar, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. S.O. to 13.10.2022 for passing order in Review Application.

MEMBER (J)

M.A. No. 316/2022 in O.A. St. No. 973/2022 (Rama B. Waghmare & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Smt. Suchita A. Dhongde, learned Advocate holding for Shri H.V. Patil, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicants, S.O. to 20.10.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 568 OF 2019 (Dnyanoba K. Oval V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 and 2.
- 3. S.O. to 04.11.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 251 OF 2020 (Sandu R. Magar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

2. Pleadings are complete. The present matter is pertaining to pension and pensionary benefits. Hence, the O.A. is admitted and it be fixed for final hearing on 11.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 82 OF 2021 (Deepak S. Zinjurde V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Ms. M.R. Somavanshi, learned Advocate holding for Smt. Amruta Paranjape-Menezes, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 19.10.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 178 OF 2021 (Nandkishor C. Ramdin V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted for filing sur-rejoinder to the rejoinder affidavit filed by the applicant.
- 3. S.O. to 11.11.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 542 OF 2021 (Dr. Sunil K. Palhal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri S.D. Joshi, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 4 and Shri A.V. Thombre, learned Advocate holding for Shri Shri S.S. Shinde, learned Advocate for respondent No. 5.

- 2. Pleadings are complete. The present matter is pertaining to transfer. Hence, the O.A. is admitted and it be fixed for hearing at the stage of admission on 14.11.2022.
- 3. The respondents are directed to place on record Civil Services Board report positively on the next date of hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 570 OF 2021 (Shivkumar B. Chamkure V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri C.R. Thorat, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 21.10.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 762 OF 2021 (Babu M. Duhare & Ors. V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri Shamsunder B. Patil, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondents. The present matter is pertaining to arrears of wages. Hence, the O.A. is admitted and it be fixed for final hearing on 16.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 96 OF 2022 (Nagraj S. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 11.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 358 OF 2022 (Kiran V. Jagdale V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri G.P. Darandale, learned Advocate holding for Shri A.N. Kakade, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Pleadings are complete. The present matter is pertaining to transfer. Hence, the O.A. is admitted and it be fixed for hearing at the stage of admission on 03.11.2022.

MEMBER (J)

M.A. No. 266/2021 in O.A. St. No. 942/2021 (Mangilal N. Shirsath V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. The present matter is closed for orders.

MEMBER (J)

M.A. No. 423/2022 in O.A. No. 493/2020 (Aruna S. Lahurikar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CODAM . Hawkla Chai V.D. Danama Marchar (I)

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. The present Misc. Application is made seeking amendment in the Original Application.
- 3. The Original Application is filed seeking family pension. The applicant is the widow of deceased Surendra Dharma Lahurikar, who was stated to be a Government employee and was working with the respondent Nos. 2 to 4 on the post of Helper (Group-D). He died on 16.05.2012. After his death, the applicant made various representations for getting family pension. However, she did not get the family pension, for which she is entitled.
- 4. By the proposed amendment, the applicant is placing on record additional documents showing absorption of the deceased in CRTE on 11.02.1983. In view of the same, the proposed amendment is further explaining the case of deceased husband of the applicant as a Government servant. In view of the same, the proposed amendment is not going to change

//2// M.A. 423/2022 in OA 493/2020

the nature of original proceedings. In fact, the proposed amendment is just and necessary to determine the real question of controversy between the parties. Hence, I proceed to pass following order:-

ORDER

- (i) The M.A. No. 423/2022 is allowed.
- (ii) The applicant shall carry out the necessary amendment in the O.A. within a period of one week and to serve the amended copy of the O.A. on the other side.
- (iii) Accordingly, M.A. No. 423/2022 stands disposed of with no order as to costs.

MEMBER (J)

O.A. No. 493/2020 (Aruna S. Lahurikar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply to the amended O.A.
- 3. S.O. to 03.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 543 OF 2020 (Gaurav C. Randive V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

- 2. Learned Presenting Officer filed affidavit in reply and short affidavit on behalf of respondent Nos. 1 to 4. Same are taken on record and copies thereof have been served on the other side.
- 3. The present matter has already been treated as part heard.
- 4. At the request of learned Advocate for the applicant, S.O. to 19.10.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 145 OF 2022 (Bhimrao V. Mhaske V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondent Nos. 1 to 4. Hence, the present matter will proceed further without affidavit in reply of the respondent Nos. 1 to 4 in accordance with law.
- 3. The burden is upon the applicant to produce on record necessary documents required for deciding the present Original Application.
- 4. S.O. to 11.11.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 379 OF 2022 (Dr. Prakash R. Kanade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondent Nos. 1 to 3 & 5. Hence, the present matter will proceed further without affidavit in reply of the respondent Nos. 1 to 3 & 5 in accordance with law.
- 3. The burden is upon the applicant to produce on record necessary documents required for deciding the present Original Application.
- 4. S.O. to 04.11.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 612 OF 2022

(Vishwanath M. Tondewad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Advocate for the applicant, issue fresh notice to the respondent No. 2, returnable on 09.11.2022.
- 3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
- 7. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1, 3 & 4.
- 8. S.O. to 09.11.2022.
- 9. Steno copy and Hamdast is allowed to both parties.

MEMBER (J)

M.A. No. 338/2021 in O.A. St. No. 1455/2021 (Amol P. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Smt. Suchita Dhongde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. Learned Advocate for the applicant submits that the applicant does not wish to file rejoinder affidavit in M.A.
- 3. S.O. to 11.11.2022 for hearing.

MEMBER (J)

ORIGINAL APPLICATION NO. 209 OF 2020 (Akhil Ahmed Mukheed Ahmed Kazi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CODAM . Han'hla Shei V.D. Dangea Mambae (I)

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri R.B. Ade, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos. 1 to 6 and Shri M.B. Kolpe, learned Advocate for respondent No. 7.

- 2. Record shows that in spite of grant of opportunities, the affidavit in reply is not filed on behalf of respondent Nos. 6 & 7. Hence, the present matter will proceed further without affidavit in reply of the respondent Nos. 6 & 7 in accordance with law.
- 3. The burden is upon the applicant to produce on record necessary documents required for deciding the present Original Application.
- 4. S.O. to 09.11.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 298 OF 2020 (Ramraje G. Pawar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

2. At the request of learned Advocate for the applicant, S.O. to 04.11.2022 for compliance of the order dated 20.01.2021.

MEMBER (J)

ORIGINAL APPLICATION NO. 571 OF 2020 (Madhukar R. Mapari V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.
- 3. S.O. to 09.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 705 OF 2021 (Balwant S. Mukhade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Shri D.T. Devane, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

- 2. At the request of learned Advocate for the applicant, time is granted as one more last chance for filing rejoinder affidavit, if any.
- 3. S.O. to 09.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 322 OF 2022 (Dr. Datta M. Dhanve V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri M.P. Gude, learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.B. Ghute, learned Advocate for respondent No. 3.

- 2. At the request made on behalf of respondents, time is granted as one more last chance for filing affidavit in reply.
- 3. S.O. to 11.11.2022.

MEMBER (J)

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 11.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 340 OF 2022 (Nandkishor S. Chitlange V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

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

- 2. Learned Advocate for the applicant filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 10.11.2022 for admission.

MEMBER (J)

ORIGINAL APPLICATION NO. 366 OF 2022 (Rahul I. Pawar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 & 3. Same is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 11.11.2022 for filing rejoinder affidavit, if any.

MEMBER (J)

ORIGINAL APPLICATION NO. 398 OF 2022 (Yuvraj B. Dharmik V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 11.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 534 OF 2022 (Sominath D. Dandge V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Ashish Rajkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 10.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 611 OF 2022

(Sultana Begum Shaikh Gafoor V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 10.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 615 OF 2022 (Kiran A. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 10.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 622 OF 2022 (Sharda M. Pawar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Smt. Priya R. Bharaswadkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 10.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 799 OF 2022 (Suresh B. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

CORAM . Hou ble Suit v.D. Dougle, Mem

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 14.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO. 800 OF 2022 (Dilip B. Bhalekar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.
- 3. S.O. to 14.11.2022.

MEMBER (J)

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

: 07.10.2022.

ORAL ORDER:

Shri G.J. Kore, learned Advocate for the applicant (Absent). Heard Shri B.S. Deokar, learned Presenting Officer for the respondents.

- 2. Record shows that in spite of grant opportunities, the affidavit in reply is not filed on behalf of respondents in M.A. Hence, the present matter will proceed further without affidavit in reply of the respondents in accordance with law.
- 3. S.O. to 14.11.2022 for hearing.

MEMBER (J)

M.A. No. 351/2021 in O.A. St. No. 1391/2021 (Dr. Surkha S. Totala V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

- 2. Await service of notice on the respondents.
- 3. At the request of learned Advocate for the applicant, S.O. to 14.11.2022 for taking necessary steps.

MEMBER (J)

M.A. No. 156/2022 in O.A. ST. No. 621/2021 (Bhimrao S. Bilappatte V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Shri M.L. Muthal, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondents.

- 2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondents in M.A.
- 3. S.O. to 15.11.2022.

MEMBER (J)

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

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 4 in M.A.
- 3. S.O. to 15.11.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.323 OF 2019

(Jairam V. Mitke V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri Shamsundar B. Patil, learned Advocate for the applicant and Shri M.S. Maajan, learned Chief Presenting Officer for the respondents.

- 2. The present matter has already been treated as part heard.
- 3. By consent of both the sides, S.O. to 14.11.2022 for final hearing /for filing affidavit-in-rejoinder by the applicant.

MEMBER (J)

SAS ORAL ORDERS 07.10.2022

ORIGINAL APPLICATION NO.451 OF 2019

(Suryakant R. Biradar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. The present matter has already been treated as part heard.
- 3. By consent of both the sides, S.O. to 15.11.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 07.10.2022

ORIGINAL APPLICATION NO.531 OF 2020

(Manik D. Chavan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CODAW . Hanible Chai V.D. Danama Wambar (I)

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. The present matter has already been treated as part heard.
- 3. By consent of both the sides, S.O. to 13.10.2022 for final hearing.

MEMBER (J)

SAS ORAL ORDERS 07.10.2022

M.A.NO.415 OF 2022 IN O.A.NO.144 OF 2021 (Vitthal T. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. By this application the applicant is seeking amendment in the Original Application placing on record the additional documents such as copy of order dated 12.11.2020 passed in M.A.No.228/2020 the Judicial by learned Class, Loha, Magistrate First Dist. Nanded directing the Grampanchayat, Malakoli to record the date of birth of the applicant as 04.06.1970. He also wants to produce on record the copy of his horoscope and copy of G.R. dated 03.03.1998.
- 3. Perusal of the Original Application would show that the applicant has placed reliance on birth certificate dated 21.12.2020 (Annex. 'A-16') issued by the Grampanchayat, Malakoli Tal. Loha, Dist. Nanded mentioning the date of birth of the applicant as 04.06.1970. It is the contention of the applicant that in Government record, the date of birth of the applicant is recorded as 04.06.1967.

The Original Application is filed seeking correction in date of birth.

- 4. In view of the above, it appears that the applicant by way of amendment is clarifying the contentions raised in the Original Application as he failed to raise it inadvertently.
- 5. Learned P.O. for the respondents opposed the submissions raised on behalf of the applicant.
- 6. Considering the facts of the present case as above, in my opinion, the proposed amendment is not going to change the nature of original proceeding. In fact the proposed amendment is just and necessary to determine the real question of controversy between the parties. Hence, I proceed to pass the following order:-

ORDER

- (A) The Misc. Application No.415/2022 is allowed.
- (B) Amendment as prayed for is granted.
- (C) The applicant to carry out the amendment within the period of one week from the date of this order and to serve the copy of amended O.A. on the other side.
- (D) No order as to costs.

ORIGINAL APPLICATION NO.144 OF 2021

(Vitthal T. Jadhav V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

- 2. The present matter has already been treated as part heard.
- 3. The respondents are at liberty to file additional affidavit-in-reply to the amended O.A., if any.
- 4. S.O. to 19.10.2022.

MEMBER (J)

ORIGINAL APPLICATION NO.236 OF 2021

(Vikram B. Garje V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondents.

- 2. The present matter has already been treated as part heard.
- 3. By consent of both the sides, S.O. to 18.10.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.522 OF 2021

(Ravindra D. Raut V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Shri O.D. Mane, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

- 2. The present matter has already been treated as part heard.
- 3. By consent of both the sides, S.O. to 17.10.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.398 OF 2018

(Dnyaneshwar K. Sanap V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

2. By consent of both the sides, S.O. to 16.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.253 OF 2019

(Laxmikant M. Bhoskar V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Shri R.N. Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 15.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.365 OF 2019

(Nilesh W. Mahajan V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Shri V.B. Wagh, learned Advocate for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent Nos.1 & 3 and Shri V.G. Pingle, learned Advocate for the respondent No.2.

2. By consent of all the parties, S.O. to 17.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.564 OF 2019

(Vijay M. Lad V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE: 07.10.2022.

ORAL ORDER:

Heard Shri V.G. Pingle, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the respondent Nos.1to 4 and Shri D.T. Devane, learned Advocate for the respondent No.5.

2. By consent of all the parties, S.O. to 17.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.666 OF 2019

(Mahendrasing N. Girase V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri Mayur V. Salunke, learned Advocate for the applicant, Shri N.U. Yadav, learned Presenting Officer for the respondent No.1 and Shri Gajendra D. Jain, learned Advocate for the respondent No.2.

2. By consent of all the parties, S.O. to 18.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.985 OF 2019

(Suresh S. Chate V/s. State of Maharashtra & Ors.)
WITH

ORIGINAL APPLICATION NO.996 OF 2019

(Sainath R. Thombre V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri S.D. Joshi, learned Advocate for the applicants in both the O.As. and Shri N.U. Yadav, learned Presenting Officer for the respondents in both the O.As.

2. By consent of both the sides, S.O. to 16.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.1084 OF 2019

(Ravindra M. Garje V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CODAN - Hawitta Chai VD Danasa Wantan (I)

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri Dhananjay Mane, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 21.10.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.361 OF 2021

(Madhukar G. Misal V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. By consent both the sides, S.O. to 16.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.578 OF 2021

(Nanasaheb S. Patil V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 16.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.589 OF 2021

(Prafull A. Suryawanshi V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Ms. Rakhi V. Sundale, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. By consent of both the sides, S.O. to 17.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.602 OF 2021

(Pravin N. Nemade V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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

DATE : 07.10.2022.

ORAL ORDER:

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

2. By consent of both the sides, S.O. to 11.11.2022 for final hearing.

MEMBER (J)

ORIGINAL APPLICATION NO.163 OF 2022

(Dr. Suhas S. Sonawane V/s. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CODAN . II - 211 - C1 - IV D D - - - - W- - - 1 - - (I)

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

DATE : 07.10.2022.

ORAL ORDER:

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent Nos.1 to 3 and Shri R.S. Pawar, learned Advocate for the respondent No.4.

2. By consent of all the parties, S.O. to 11.11.2022 for final hearing.

MEMBER (J)

C.P.NO.10/2022 IN O.A.NO.191/2021 (Sandip W. Khadse Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri A.W. Khadse, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

Shri M.D. Lonkar, learned Special Counsel for the respondents, is **absent**.

- 2. Learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 11.11.2022.

MEMBER (A)

VICE CHAIRMAN

C.P.NO.10/2022 IN O.A.NO.191/2021 (Sandip W. Khadse Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri A.W. Khadse, learned Counsel for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

Shri M.D. Lonkar, learned Special Counsel for the respondents, is **absent**.

- 2. Learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 11.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICTION NO.1024/2019 (Lata S. Sanap Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

Shri G.K. Kshirsagar, learned Counsel for the applicant, is **absent**. Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. In view of absence of learned Counsel for the applicant, S.O. to 22.11.2022 for filing rejoinder affidavit.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.308/2021 (Nita B. Magare Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

Shri P.G. Tambade, learned Counsel holding for Shri S.S. Jadhavar, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

- 2. Await service
- 3. S.O. to 22.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.480/2021 (Shankar M. Sutar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri P.G. Tambade, learned Counsel holding for Shri S.S. Jadhavar, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents, are present.

- 2. Await service
- 3. S.O. to 22.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.480/2021 (Shankar M. Sutar Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri K.B. Jadhav, learned Counsel holding for S/Shri Manish P. Tripathi/A.B. Rajkar, learned Counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

- 2. Learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 23.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.525/2021 (Guruling N. Tanwade Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Smt. Suchita Dhongde, learned Counsel for the applicant, Shri S.K. Shirse, learned Presenting Officer for the respondent No.1 and Shri D.T. Devane, learned Counsel for the respondent Nos.2 & 3, are present.

- 2. Learned Counsel for the respondent Nos.2 & 3 has sought time for filing affidavit in reply on behalf of the respondent Nos.2 & 3. Time granted.
- 3. S.O. to 23.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.588/2021 (Holambe N. Dagdu & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri C.V. Dharurkar, learned Counsel for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondent Nos.1 to 4, are present.

Shri Chandrakant A. Jadhav, learned Counsel for the respondent No.5, is **absent**.

2. In view of absence of learned counsel for the respondent No.5, S.O. to 23.11.2022 for filing affidavit in reply on behalf of the respondent No.5.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.111/2022 (Pandurang V. Hande Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

Shri S.K. Mathpati, learned Counsel for the applicant, is **absent**. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

- 2. In view of absence of learned Counsel for the applicant, S.O. to 24.11.2022 for filing rejoinder affidavit.
- 3. S.O. to 24.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.151/2022 (Chhaban V. Kulkarni Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri S.K. Mathpati, learned Counsel for the applicant, is **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondents, is present.

- 2. Learned PO files affidavit in reply on behalf of respondent nos.1 to 3. It is taken on record. Learned PO undertakes to serve copy of the same on the other side.
- 3. S.O. to 24-11-2022 for filing rejoinder affidavit.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.152/2022 (Duryodhan S. Wankhede Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri S.K. Mathpati, learned Counsel for the applicant, is **absent**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

- 2. Learned P.O. for the respondents has sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 24.11.2022.

MEMBER (A)

VICE CHAIRMAN

OFFICE ORDER

TRIBUNAL'S ORDERS

DATE 07.10.2022

ORIGINAL APPLICATION NO.898 OF 2022

(Dr. Sangita Panditrao Khandare V/s The State of Maharashtra & Ors.)

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

- 1. Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri M.P. Gude, ld. P.O. for the respondents, are present
- 2. Circulation is granted. Issue notices to the respondents, returnable on 04.11.2022. The case be listed for admission hearing on **04.11.2022**.
- 3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

OFFICE ORDER

TRIBUNAL'S ORDERS

DATE 07.10.2022

ORIGINAL APPLICATION NO.897 OF 2022

(Dr. Narayan Kishanrao Deshmukh V/s The State of Maharashtra & Ors.)

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

- 1. Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri D.R. Patil, ld. P.O. for the respondents, are present
- 2. Circulation is granted. Issue notices to the respondents, returnable on 04.11.2022. The case be listed for admission hearing on **04.11.2022**.
- 3. Tribunal may take the case for final disposal at this stage and a separate notice for final disposal shall not be issued.
- 4. Applicant is authorized and directed to serve on Respondent intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
- 5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988 and the questions such as limitation and alternate remedy are kept open.
- 6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with Affidavit of compliance in the Registry as far as possible before the returnable date fixed as above. Applicant is directed to file Affidavit of compliance and notice.

ORIGINAL APPLICATION NO.177/2022 (Dr. Pravin K. Dhakne Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri J.S. Deshmukh, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos.1 to 3, are present. Smt. Vaishali Shinde, learned Counsel for the respondent No.4, is **absent**.

- 2. Learned P.O. has sought time for filing affidavit in reply on behalf of the respondent Nos.1 to 3. Time granted.
- 3. S.O. to 25.11.2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.230/2022

(Dr. Seema M. Digraskar @ Dr. Seema D. Pathak Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri M.C. Swami, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer has tendered affidavit in reply on behalf of respondent nos.2 & 3. The same is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 28-11-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.279/2022 (Indurao B. Sarode Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Smt. Suchita Dhongde, learned Counsel for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities, are present.

- 2. Smt. Vidya Taksal, learned Counsel has tendered **VAKALATNAMA** on behalf of the respondent No.4. It is taken on record.
- 3. Learned Counsel for the respondent No.4 has filed affidavit in reply on behalf of respondent No.4. The same is taken on record and copy thereof has been served on the other side.
- 3. S.O. to 28-11-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.371/2022 (Babasaheb B. Bhosle Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri S.D. Joshi, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer for the respondents has sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 28-11-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.519/2022 (Dnyaneshwar B. Wadile Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

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

- 2. Learned Presenting Officer for the respondents has sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 29-11-2022.

MEMBER (A)

VICE CHAIRMAN

ORIGINAL APPLICATION NO.664/2022 (Vinod J. Sonune & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri R.O. Awasarmol, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

- 2. Learned Chief Presenting Officer for the respondents has sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 29-11-2022.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.97/2021 IN O.A.ST.NO.329/2021 (Baban R. Zagade Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri K.B. Jadhav, learned Counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, are present.

- 2. Learned Counsel for the applicant has sought time for filing rejoinder affidavit. Time granted.
- 3. S.O. to 16-11-2022.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.53/2022 IN O.A.ST.NO.99/2022 (Gorakh R. Limaji Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.10.2022

ORAL ORDER:

Shri P.S. Mantri, learned Counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer for the respondents has sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 17-11-2022.

MEMBER (A)

VICE CHAIRMAN

M.A.NO.96/2022 IN O.A.ST.NO.96/2022 (Panjabrao D. Bhosale & Ors. Vs. State of Maharashtra & Ors.)

OFFICE ORDER

TRIBUNAL'S ORDERS

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CORAM: Hon'ble Justice Shri P.R. Bora,

Vice Chairman

AND

Hon'ble Shri Bijay Kumar, Member (A)

DATE: 07.10.2022

ORAL ORDER:

Shri Vikram Kadam, learned Counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

- 2. Learned Presenting Officer for the respondents has sought time for filing affidavit in reply. Time granted.
- 3. S.O. to 18-11-2022.

MEMBER (A)

VICE CHAIRMAN