

ORIGINAL APPLICATION NO. 15/2017
(Subhash Motiram Sonwane Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri KG Salunke, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities.

2. In the present matter the applicant is praying for making his service pensionable by holding that he has completed the period of qualifying service. As is revealed through the submissions made on behalf of the applicant and the learned PO for the respondents, the applicant had remained absent for a quite long period of 4378 days i.e. 11 years, 11, months and 28 days and since the said period has not been considered, the applicant is not completing the period of qualifying service.

3. The affidavit in reply has been filed in the present on behalf of respondent nos. 2 to 5. The learned PO has tendered across the bar the communication received to the office of CPO, MAT, Aurangabad Bench from respondent no. 4. It is taken on record and marked as document 'X' for the purpose of identification.

4. The learned counsel in view of the facts mentioned in the communication dated 31.7.2019 received to the office of CPO from respondent no. 4, on instructions of the applicant submitted that applicant is restricting his claim in the present OA only to the extent of consideration of the proposal so forwarded through respondent no. 4 to respondent no. 1 dated 25.6.2019, copy of which is today tendered on record by the applicant, within time bound manner. The learned counsel submitted that the proposal so forwarded on 25.6.2019 has not yet been decided. The learned PO submitted that he has no instructions in this regard.

5. In the above circumstances, without going into merit of the contentions raised by the applicant, the present OA can be disposed of with the following order :-

ORDER

(i) Respondent no. 1 shall decide the proposal dated 25.6.2019 forwarded to it by Respondent no. 4, on its merit and in accordance with law, within 12 weeks from the date of this order and communicate the said decision to the applicant.

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O.A. NO. 15/2017

(ii) Other prayers in O.A. are not pressed by the applicant, the O.A., thus, stands disposed of with the aforesaid direction.

(iii) No order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 809/2022
(Shri Hanmant Shamrao Kadam Vs. State of Maharashtra
& Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Heard Smt. Pooja S. Mundhe, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities.

2. When the present matter is taken up for consideration the learned PO has again sought time for filing the affidavit in reply on behalf of the respondents. The said request is opposed by the learned counsel for the applicant stating that the matter pertains to order of suspension and the suspension has been ordered on 20.12.2021 retrospectively from 23.6.2021 and till this date the said order has not been reviewed by the competent Review Committee. The learned PO has tendered the copy of communication dated 16.11.2022 addressed to the Divisional Commissioner, Aurangabad Division, Aurangabad by respondent no. 2. From the said communication it is quite evident that the order of suspension has not been reviewed after 20.12.2021.

3. In the case of **AJAY KUMAR CHOUDHARY VS. UNION OF INDIA (UOI) AND ORS., (2015) 7 SCC 291** :

AIR 2015 SC 2389 the Hon'ble Supreme Court in para 14 has laid down certain guidelines, which are thus :-

“14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the memorandum of Charges / Chargesheet is not served on the delinquent officer / employee; if the Memorandum of Charges / Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to

be held in abeyance stands superseded in view of the stand adopted by us.”

As has been laid down by the Hon’ble Supreme Court the order of suspension has mandatorily to be reviewed within 90 days of its passing. It is further held by the Hon’ble Supreme Court that in the criminal prosecution even after filing of the charge-sheet, without recording reasons the suspension period cannot be extended.

4. In the present matter no such review seems to have been taken. When query was made with learned PO, he submits that as per the communication received and instructions received the order of suspension has not yet been reviewed.

5. Having regard to the facts as above, it appears to me that, there is no propriety in keeping the present OA pending and without going into merits of the application it can be disposed of with the following directions :-

ORDER

(i) The respondents shall review the order of suspension passed against the applicant within 4 weeks from the date of this order keeping in mind the observations made and directions given by the Hon’ble Supreme Court in the case of **AJAY KUMAR CHOUDHARY VS. UNION OF INDIA (UOI) AND ORS., (2015) 7 SCC 291 : AIR 2015 SC 2389.**

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(ii) The present Original Application stands disposed of in above terms. No order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDER 29.11.2022

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

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

DATE : 7.12.2022

ORAL ORDER :

Shri Sanket Suryawanshi, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 568/2020
(Shankar Waghmare Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri AD Sugdare, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. The learned counsel for the applicant submits that in the present matter rejoinder affidavit is already filed.

3. In the circumstances, matter be placed for hearing on 19.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

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

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

DATE : 7.12.2022

ORAL ORDER :

Shri VD Salgar, learned counsel for the applicant (**absent**). Shri BS Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 27.1.2023 for filing the rejoinder affidavit by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 563/2020
(Rajendra V. Marale Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Ms. Preeti Wankhade, learned counsel for the applicant and Shri IS Thorat, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance and thereafter one more last chance was granted to the learned counsel for the applicant for filing rejoinder affidavit, the same is not filed till date. The learned counsel seeks some more time for filing the rejoinder affidavit. In the interest of justice, time granted till 16.12.2022 for filing the rejoinder affidavit. It is, however, made clear that if the rejoinder affidavit is not filed by the next date, the matter will be placed for hearing without having on record the rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 364/2021
(Vinayak Kalambkar Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri Vikram Kadam, learned counsel for the applicant, Shri MS Patni, learned Presenting Officer for the respondent authorities and Shri GN Patil, learned counsel for respondent nos. 2 & 3, are present.

2. At the request of learned counsel for the applicant, S.O. to 19.1.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 516/2021
(Vishwasrao Kulkarni Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 16.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 38/2022
(Dilip Bharaskar Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri PG Tambade, learned counsel for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities, are present.

2. Though final chance was granted to the applicant to file on record the rejoinder affidavit, the same is not filed till date. In the circumstances, the matter be placed for hearing on 19.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 83/2022
(Jitendra D. Gurav Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 20.1.2023 for filing rejoinder affidavit.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 229/2022
(Suresh Bharati Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri RL Jadhav, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. Though last chance and thereafter one more last chance was granted to the learned PO for filing the affidavit in reply on behalf of the respondents, the same is not filed till date. The learned PO has sought some more time for filing the affidavit in reply. In the interest of justice, time granted till 20.1.2023. It is, however, made clear that if the affidavit in reply on behalf of respondents is not filed by the next date, the matter will be placed for hearing without having on record the reply.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 326/2022
(Ulhas Pawar & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri NU Yadav, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has tendered across the bar the affidavit in reply on behalf of respondent nos. 1 to 3. It is taken on record and copy thereof has been supplied to other side.

3. S.O. to 27.1.2023 for filing rejoinder affidavit, if any, by the applicant.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 471/2022
(Jayant S. Bhamre Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri VG Pingle, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply on behalf of the respondents. Time granted.

3. S.O. to 13.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 915/2022
(Kailas M. Prajapati Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri SK Shirse, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.
3. S.O. to 23.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 920/2022
(Dipak Zirwal Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri KB Jadhav, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 22.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 935/2022
(Pooja M. Patil & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri KG Salunke, learned counsel for the applicants and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.
3. S.O. to 20.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 980/2022
(Dattatray Ambre Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

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

2. The learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 23.12.2022.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 1051/2022
(Dr. Nilima Patil Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri DT Devane, learned counsel for the applicant and Shri VR Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. Today when the present matter is taken up for consideration, the learned Presenting Officer has sought time for filing the affidavit in reply of the respondents. Time granted.

3. S.O. to 13.12.2022. If the affidavit in reply is not filed by the respondents on the next date, the prayer of the applicant for IR will be considered on merit of the application.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

**M.A. NO. 88/2021 IN O.A. ST. 323/2021
(Shrikant Bhale Vs. State of Maharashtra & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri RA Joshi, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. Await Service.
3. S.O. to 9.1.2023.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

**ORIGINAL APPLICATION NO. 14/2020
(Gokulgir Gosavi Vs. State of Maharashtra & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri SR Sapkal, learned counsel for the applicant and Shri MP Gude, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 25.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 117/2021
(Sudhir Tambe Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri AS Khedkar, learned counsel holding for Shri AB Gaikwad, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 8.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 40/2022
(Madhav Nilawad Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri SB Jadhav, learned counsel for the applicant and Smt. MS Patni, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 27.1.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

**O.A. NOS. 189, 214, 336, 365, 222 AND 223/2021
(Sakharam Kashid & Ors. Vs. State of Maharashtra & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri AS Khedkar, learned counsel for the applicants in all these matters, S/shri DR Patil, NU Yadav, VR Bhumkar, SK Shirse & Smt. MS Patni, learned Presenting Officer for the respondent authorities in all respective matters and Shri Shamsunder B. Patil, learned counsel for respondent nos. 2 & 3 in all these matters, are present.

2. S.O. to 14.12.2022 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 711/2021
(Lalita Bhagwan Gaikwad Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri SM Jade, learned counsel for the applicant
(**absent**). Shri MP Gude, learned Presenting Officer for
the respondent authorities, is present.

2. S.O. to 2.2.2023 for hearing.

VICE CHAIRMAN

ARJ ORAL ORDER 7.12.2022

ORIGINAL APPLICATION NO. 194/2022
(Alkesh B. Naglot Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri AD Sugdare, learned counsel for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent authorities.

2. The learned counsel on instructions from the applicant, who is present in the Court hall, seeks leave to withdraw the present O.A. since during pendency of this O.A. the services of the applicant have been terminated by the respondents. Hence the following order :-

ORDER

The Original Application stands disposed of since withdrawn. No order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 762/2022
(Pralhad Khade Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Shri SD Joshi, learned counsel for the applicant, Shri VR Bhumkar, learned Presenting Officer for the respondent authorities and Shri Avinash S. Deshmukh, learned counsel for respondent no. 4, are present.

2. The learned counsel for respondent no. 4 has tendered across the bar the affidavit in reply on behalf of the respondents. It is taken on record. Copy of said affidavit in reply has been supplied to other side in advance. The learned counsel for the applicant seeks time to file rejoinder affidavit to the affidavit in reply of respondent no. 4, as well as, respondent nos. 1 to 3. Time granted.

3. S.O. to 13.12.2022. The learned PO shall ensure that relevant record is made available for perusal of this Tribunal.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 843/2022
(Krishna Ghuge Vs. State of Maharashtra & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri AS Deshmukh, learned counsel for the applicant, Shri MS Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri SD Joshi, learned counsel for respondent no. 4 and Shri SB Mene, learned counsel for respondent nos. 2 & 3, are present.

2. Today when the present matter is taken up for consideration, the learned CPO made a statement that the proposal as about posting to be given to the applicant is under process and is pending for approval of Hon'ble Chief Minister. The learned CPO in the circumstances has sought time of 2 weeks to hear the present OA.

3. The learned counsel for respondent no. 4 has some grievance to grant adjournment of 2 weeks. It is submitted that respondent no. 4 is without posting for more than 13 months and in the circumstances the matter needs to be expeditiously heard.

4. After having heard the submissions I am inclined to grant time up to 16.12.2022.

5. The interim relief granted earlier to continue till then.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 482/2022
(Ganesh Patil Vs. State of Maharashtra & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri SR Patil, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities, are present.

2. The learned PO seeks leave to file the affidavit in reply in the present matter on behalf of the respondent nos. 1 to 4. The matter has already been proceeded without reply of the respondents and is posted for final hearing today. However, with consent of the learned counsel for the applicant and with an object to decide the matter on merit, the respondents are permitted to file the reply.

3. List the matter for final hearing on 22.12.2022. It is open for the applicant to file rejoinder affidavit, if any, to the affidavit in reply of the respondents.

VICE CHAIRMAN

M.A. 162/2022 IN O.A. ST. 608/2022
(Nandkishor Awile Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri PV Suryawanshi, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities.

2. This is an application seeking condonation of delay, which has occasioned in filing the annexed OA. The delay is stated to be of the period more than 3 years. The learned counsel for the applicant submitted that there were several constraints faced by the applicant in the meanwhile period which prevented him to approach this Tribunal. The learned counsel submitted that illness of applicant's father, after he took voluntary retirement COVID-19 period and resultant financial difficulties arose because of both aforesaid circumstances the applicant could not approach the Tribunal within the prescribed period of limitation. The learned counsel submits that father of the applicant was Sweeper and the applicant is claiming appointment on the post of Sweeper in view of recommendations of Lad Page Committee. If the delay is not condoned and the applicant is not given opportunity to prosecute his

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**M.A. 162/2022 IN
O.A. ST. 608/2022**

matter on merit, grave prejudice will be caused to the applicant.

3. Request made by the learned counsel for the applicant is opposed by the learned PO. The learned PO submitted that the delay is more than the period as has been mentioned in the matter. The learned PO further submitted that cause of action arose in the year 2013 itself, but the applicant was not diligent in prosecuting his right and approached the Tribunal belatedly. The learned PO submitted that delay which has occasioned has not been properly explained and without any cogent and justifiable reason it cannot be condoned. The learned PO therefore prayed for rejection of the application.

4. I have duly considered the submissions advanced by the learned counsel for the applicant and the learned PO for the respondents. While considering the present matter it cannot be lost sight of that the applicant is a son of Sweeper and claiming appointment on the post of Sweeper on the basis of recommendations of Lad Page Committee. It appears to me that the delay occasioned in filing such matters must be considered from different angle. It is not the case that the delay occasioned has

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**M.A. 162/2022 IN
O.A. ST. 608/2022**

been caused with mala-fide intention. In the circumstances, opportunity need to be given to the applicant to prosecute the OA on merit. Hence the following order :-

ORDER

- (i) The present Misc. Applications is allowed without any order as to costs.
- (ii) The delay caused in filing accompanying O.A. is condoned.
- (ii) Registry to register the accompanying O.A. on its due scrutiny.

VICE CHAIRMAN

O.A. ST. 608/2022
(Nandkishor Awile Vs. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri PV Suryawanshi, learned counsel for the applicant and Shri DR Patil, learned Presenting Officer for the respondent authorities.

2. Issue notice to all the respondents, returnable on 3.2.2023.

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 3.2.2023.

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

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 937 OF 2018
(Pradip S. Dahale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. Learned Presenting Officer placed on record communication dated 07.11.2022 received by the learned C.P.O. from the office of respondent No. 3 along with a copy of G.R. dated 18.10.2022 and the decision of the Hon'ble Apex Court dated 21.03.2022 in Civil Appeal No. 1985/2022. Same are taken on record and marked as document 'X' collectively for the purpose of identification.

3. In view of the above-said document 'X' collectively, learned Advocate for the applicant submitted that the present O.A. can be disposed of.

4. The respondents are directed to consider the case of the applicant in view of the above-said documents within a stipulated period of three months from the date of this order.

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

MEMBER (A)

MEMBER (J)

M.A. No. 441/2021 with O.A. No. 311/2022
(Dr. Arun N. Saruk & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Vivek Bhavthankar, learned Advocate for the applicants and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondents. Same is taken on record and copy thereof has been served on the other side.

3. The Original Application is filed challenging the communication dated 29.09.2022 rejecting the candidature of the applicants for NEET PG Course in the year 2022-23 from in service category quota on the ground of age bar.

4. Today, learned Advocate for the applicants placed on record letter received to him from the applicants seeking withdrawal of the Original Application on the ground that during pendency of

//2// M.A. 441/2022 in
O.A. 311/2022

the said O.A., the G.R. dated 07.11.2022 came to be published whereby the age relaxation has been granted. In view of the same, grievance raised by the applicants in this O.A. stands redressed. Hence, they seek withdrawal of the O.A.

5. In the facts and circumstances, permission for withdrawal of the present O.A. is granted. Accordingly, the O.A. stands disposed of as withdrawn. Accordingly, M.A. for interim relief also stands disposed of. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 524 OF 2022
(Anil C. Kamble Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Anil Zambre, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. The present Original Application is filed challenging the impugned show cause notice dated 17.05.2022 issued by the respondent No. 4 i.e. the Tahasildar, Ahmednagar, by which the explanation is called from the applicant or else the action under Section 5(8) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 was proposed.

3. Today, learned Advocate for the applicant placed on record a copy of the order date 01.11.2022 issued by the respondent No. 4 i.e. Tahasildar, Ahmednagar dismissing the applicant from the post of Kotwal. Copy of the said order is taken on record and marked as document 'X' for the purpose of identification. In view of the same, he submits that the applicant would challenge his dismissal order dated 01.11.2022.

//2// O.A. No. 524/2022

4. In the facts and circumstances, nothing remains to be decided in the present O.A. Hence, the O.A. stands disposed of with liberty to the applicant to challenge the dismissal order dated 01.11.2022 in accordance with law. There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 07.12.2022

**MA 513/2022 in MA St. 1754/2022 in OA St. 1755/2022
(Ashok V. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. This is an 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. The M.A. for delay condonation be registered and numbered, after removal of office objections, if any. The present M.A. No. 513/2022 stands disposed of accordingly without any order as to costs.

MEMBER (A)

MEMBER (J)

**M.A. St. No. 1754/2022 in O.A. St. No. 1755/2022
(Ashok V. Kulkarni & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri V.S. Kadam, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents in M.A., returnable on 17.01.2023.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. 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.
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 17.01.2023.
8. Steno copy and Hamdast is allowed to both parties.

MEMBER (A)

MEMBER (J)

**MA St. 1958/22 in MA St. 1611/2022 in OA St. 1612/22
(Fakirchand S. Thorat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Shri M.A. Kulkarni, learned Advocate for the applicant (**Absent**). Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 14.12.2022.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 1085 OF 2022
(Santosh B. Ugale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri D.R. Jethliya, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 13.01.2023.

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

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

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

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

7. S.O. to 13.01.2023.

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

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 1084 OF 2022
(Uddhav M. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Ram Shinde-Borolkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 17.01.2023.

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

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

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

//2// O.A. No. 1084/2022

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

7. In the facts and circumstances, the impugned final seniority list of Circle Officer in Latur District published by the respondent No. 3 i.e. the Collector, Latur on 12.09.2022 and further impugned consolidated seniority list of the cadre of Circle Officer published on 19.10.2022 by the respondent No. 2 i.e. the Divisional Commissioner, Latur to the extent of the present applicant would be subject to outcome of this O.A.

8. S.O. to 17.01.2023.

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

MEMBER (A)

KPB ORAL ORDERS 07.12.2022

MEMBER (J)

M.A. No. 506/2022 with O.A. No. 779/2022
(Machindra N. Kanade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Avinash Khedkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. Record shows that the affidavit in reply is already filed jointly on behalf of respondent Nos. 1, 3 & 4 and separately on behalf of respondent No. 5 in O.A.

3. In view of above, S.O. to 16.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

C.P. No. 21/2022 in O.A. No. 51/2018
(David S. Ganthur & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. Record shows that affidavit in reply is filed on behalf of respondent NO. 2.

3. S.O. to 11.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 774 OF 2022
(Angad R. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri R.P. Bhmkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

2. S.O. to 08.12.2022.

MEMBER (A)

MEMBER (J)

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

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

**C.P. No. 24/2022 in O.A. No. 902/2019
(Shivaji M. Thorat Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 02.01.2023.

MEMBER (A)

MEMBER (J)

KPB ORAL ORDERS 07.12.2022

C.P. No. 25/2022 in O.A. No. 600/2021
(Dr. Rahimoodin Rasulsab Shaikh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri P.D. Bodade, learned Advocate holding for Shri J.B. Choudhary, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities and Shri P.R. Tandale, learned Advocate for respondent No. 4.

2. Learned Advocate for respondent No. 4 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondent Nos. 1 to 3.

4. S.O. to 11.01.2023.

MEMBER (A)

MEMBER (J)

**C.P. No. 26/2022 in O.A. No. 188/2021
(Jayashri R. Dixit Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 11.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 592 OF 2018
(Nilesh B. Pardeshi Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri A.S. Golegaonkar, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities. Shri R.S. Patil, learned Advocate for respondent No. 3, absent.

2. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent No. 1.

3. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 228 OF 2020
(Santosh D. Dhongade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri A.R. Avachat, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 12.01.2023 as one more last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 383 OF 2020
(Sachin D. Maindale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri O.Y. Kashid, learned Advocate for the applicant (**Absent**). Heard Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 13.01.2023 as one more last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 438 OF 2020
(Anil P. Chavan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri S.M. Gaikwad, learned Advocate for the applicant (**Absent**). Heard Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. As none present for the applicant, S.O. to 13.01.2023 as one more last chance for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 32 OF 2021
(Mukinda T. Bhalerao Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri U.S. Patil, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

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 13.01.2023.

MEMBER (A)

MEMBER (J)

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

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Avinash Deshmukh, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the respondent authorities and Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for respondent No. 7.

2. At the request of learned Advocate for the applicant, time is granted for filing rejoinder affidavit, if any.

3. S.O. to 13.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 537 OF 2022
(Namdeo M. Wade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Learned Presenting Officer filed affidavit in reply on behalf of respondent Nos. 1 to 5. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 17.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 699 OF 2022
(Maharashtra Rajya Adarsh Shikshak Samiti, Abad through
its State President Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Await service.

3. Learned Presenting Officer filed affidavit in reply on behalf of respondent No. 1. Same is taken on record and copy thereof has been served on the other side.

4. S.O. to 17.01.2023 for filing rejoinder affidavit, if any.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 761 OF 2022
(Balu N. Bhosale & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri S.S. Dambe, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent Nos. 1 & 3. Shri D.B. Gaikwad, learned Advocate for respondent No. 2 and Sayyed Tauseef Yaseen, learned Advocate for intervenors / respondent Nos. 4 to 10.

2. Learned Advocate for intervenors / respondent Nos. 4 to 10 filed affidavit in reply. Same is taken on record and copy thereof has been served on the other sides.

3. S.O. to 08.12.2022. Interim relief granted earlier to continue till then.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 784 OF 2012
(Jitesh P. Wagh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri S.D. Munde, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri A.V. Thombre, learned Advocate holding for Shri S.S. Thombre, learned Advocate for respondent No. 9.

2. At the request made on behalf of respondents, time is granted for filing affidavit in reply.

3. S.O. to 21.12.2022.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 824 OF 2022
(Pravin S. Jadhav & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.V. Thombre, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 17.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 855 OF 2022
(Pravin R. Khedkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Smt. Priya Bharaswadkar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents.

3. S.O. to 17.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 521/2019 in O.A. St. No. 1930/2019
(Prashant P. Sonagraa Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Shri A.D. Kaware, learned Advocate for the applicant (**Absent**). Heard Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondent No. 3.

3. At the request of learned Presenting Officer, time is granted as one more last chance for filing affidavit in reply on behalf of respondent Nos. 1 & 2 in M.A.

4. S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 99/2020 in O.A. St. No. 283/2020
(Swati S. Makinikar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Shri R.D. Biradar, learned Advocate for the applicant (**Absent**). Heard Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities.

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 06.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. 146/20 in MA St. 418/20 in OA St. 419/20
(Maha. Rajya Pashu Sawardhan Abhiyantriki Karmachari
Sangathana Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Shri G.L. Deshpande, learned Advocate for the applicant (**Absent**). Heard Shri I.S. Thorat, learned Presenting Officer for the respondent authorities.

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 06.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 202/2020 in O.A. St. No. 443/2020
(Rama L. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

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

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 10.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 176/2021 in O.A. St. No. 498/2021
(Pruthviraj S. Patil Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

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

2. At the request of learned Presenting Officer, time is granted as a last chance for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 10.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 205/2021 in O.A. St. No. 2467/2019
(Vijaykumar B. Rathi Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Shri M.M. Bhokarikar, learned Advocate for the applicant (**Absent**). Heard Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

2. Await service of notice upon the respondents.
3. S.O. to 11.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. No. 163/2022 in O.A. St. No. 1492/2021
(Goroba S. Barde Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri S.R. Avhad, learned Advocate holding for Shri A.S. Bayas, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. At the request of learned Presenting Officer, time is granted for filing affidavit in reply on behalf of respondents in M.A.

3. S.O. to 12.01.2023.

MEMBER (A)

MEMBER (J)

**CP 1/22 with MA 337/21 in TA 02/21 (WP 2612/21)
(Samiksha Chandrakar & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants in C.P., Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities and Shri U.S. Patil, learned Advocate for the applicant in M.A. No. 337/2021.

2. By consent of all the parties, S.O. to 04.01.2023.

MEMBER (A)

MEMBER (J)

**M.A. 530/2022 with M.A. 531/2022 with 532/2022
with 480/22 with M.A. 481/22 in O.A. 826/2022
(Sanjay Y. Pagare & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Mahesh Deshmukh along with Shri U.L. Momale, learned Advocate for the applicants in M.A. Nos. 531/2022, 532/2022 & 480/2022, M.A. No. 481/22, Ms. Pradnya Talekar, learned Advocate holding for Shri S.B. Talekar, learned Advocate for the applicants in O.A., Shri Ajay Deshpande, learned Advocate for respondent No. 5 in O.A. and Shri D.R. Shelke, learned Advocate for respondent No. 6 in O.A. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities in O.A. and applicants in M.A. 530/2022.

2. Learned Advocate for the applicants in O.A. filed reply in M.A. Nos. 530/2022 & 480/2022. Same are taken on record and copies thereof have been served on the other sides.

3. S.O. to 08.12.2022 for passing orders in M.As.

MEMBER (A)

MEMBER (J)

**M.A. 141/2021 in O.A. 295/2019 with C.P. 3/2021
(State of Maharashtra & Ors. Vs. Maharashtra Rajya
Hangami Hivtap Prayogshala Karmachari Sanghatana)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Shri V.R. Bhumkar, learned Presenting Officer for the applicants in the present M.A. / respondents in O.A., Ms. Preeti Wankhade, learned Advocate for respondent in the present M.A. / applicant in O.A. and Shri Vinod Patil, learned Advocate for private respondents.

2. S.O. to 20.12.2022 for re-hearing.

MEMBER (A)

MEMBER (J)

M.A. No. 541/2022 in O.A. No. 685/2022
(Nagesh Gangadhar Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Sandesh Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. The present Misc. Application is filed seeking stay to the conclusion of the Departmental Enquiry initiated against the applicant vide order dated 11.04.2022.

3. The Original Application is filed on or about 26.07.2022 challenging the order of initiation of Departmental Enquiry dated 11.04.2022. It is also a fact that the criminal case bearing RCC No. 691/2022 arising out of Crime No. 347/2020 registered on 06.11.2020 at Ramanand Nagar Police Station, Jalgaon is pending in the court of Ld. JMFC, Jalgaon, wherein it is alleged that the applicant and others have committed offences punishable under Sections 406, 408, 409, 420, 465,

//2// M.A. 541/2022 in
O.A. 685/2022

466, 467, 468, 470, 471, 120b read with 34 of IPC.

4. It is the contention of the applicant that the memorandum of charges in Departmental Enquiry is same to the great extent to that of the charge in the above-said criminal case. The D.E. admittedly is at the fag-end and only final statement of the applicant is required to be recorded. Learned Advocate for the applicant submitted that hearing of the D.E. is kept tomorrow i.e. on 08.12.2022 for that purpose. According to him giving statement by the applicant in D.E. is likely to prejudice his defense in the criminal prosecution.

5. Perusal of the memorandum of charges dated 21.05.2021 (Annexure A-3 in O.A.) served upon the applicant would show that the D.E. is initiated in respect of causing loss to the Government to the tune of Rs. 2,29,600/- by making illegal entries in online portal system of RTO without permission of the superior officer. The charges in criminal prosecution are more serious in nature.

//3// M.A. 541/2022 in
O.A. 685/2022

6. Let it as it may the facts on record would show that the applicant approached this Tribunal may be within a period of limitation of one year from the date of initiation of the D.E. However, parameters for considering the prayers in O.A. would be different than the criminal prosecution. Hence, in our considered opinion, no prima-facie case is made out by the applicant because of his belatedly approaching this Tribunal from initiation of D.E. for seeking stay. In view of the same, we do not find merit in the present Misc. Application for stay. Hence, the following order :-

ORDER

- (i) M.A. No. 541/2022 stands rejected.
- (ii) There shall be no order as to costs.

MEMBER (A)

MEMBER (J)

O.A. No. 685/2022
(Nagesh Gangadhar Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Sandesh Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities.

2. S.O. to 17.01.2022 for hearing.

MEMBER (A)

MEMBER (J)

**Review 6/2022 with M.A. 469/2022 in O.A. 536/2021
(State of Maharashtra & Ors. Vs. Dnyaneshwar S. Andhale)**

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

DATE : 07.12.2022

ORAL ORDER :

Heard Shri I.S. Thorat, learned Presenting Officer for the applicants in Review & M.A. / respondents in O.A. and Shri R.A. Joshi, learned Advocate for the respondent in Review & M.A. / applicant in O.A.

2. The present matter is closed for orders.

MEMBER (J)

KPB ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO.30/2021
(Kedarnath R. Budhwant Vs. State of Maharashtra & Ors.)

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

DATE : 07-12-2022

ORAL ORDER :

Shri V.B.Wagh, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.99/2021
(Shrikant Mundhe Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri V.M.Maney, learned Counsel for the applicant and Shri I.S.Thorat, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 15-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.580/2018
(Amol Sakruskar Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri H.A.Joshi, learned Counsel for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri Shamsundar B. Patil, learned Counsel for respondent nos.2 and 3, are present.

2. S.O. to 24-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.616/2018
(Kokane Revana Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri A.N.Ansari, learned Counsel for the applicant and Shri N.U.Yadav, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

ORIGINAL APPLICATION NO.656/2018
(Dr. Sunil Dhumal Vs. State of Maharashtra & Ors.)

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

DATE : 07-12-2022

ORAL ORDER :

Ms. Preeti Wankhade, learned Counsel for the applicant and Mr. S.K.Shirse, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 30-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.712/2018
(Sandipan Gavali Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri Deepak K. Rajput, learned Counsel for the applicant and Smt. Sanjivani Ghate, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 21-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

ORIGINAL APPLICATION NO.557/2019
(Venkat Namule & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 07-12-2022

ORAL ORDER :

Shri Shamsundar B. Patil, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 16-12-2022.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.56/2020
(Anil Barkul Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri Kishor D. Khade, learned Counsel for the applicant is **absent**. Shri N.U.Yadav, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 01-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.211/2020
(Nilesh Dighe Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri M.S.Taur, learned Counsel for the applicant is **absent**. Shri B.S.Deokar, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 31-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.251/2020
(Sandu Magar Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri D.K.Dagadkhair, learned Counsel for the applicant is **absent**. Shri M.P.Gude, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 31-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.106/2021
(Manoj Salagar Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri U.P.Giri, learned Counsel for the applicant is **absent**. Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities is present.

2. S.O. to 31-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**ORIGINAL APPLICATION NO.590/2021
(Rajendra Dhangare Vs. State of Maharashtra & Ors.)**

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

DATE : 07-12-2022

ORAL ORDER :

Shri Vinod P. Patil, learned Counsel for the applicant, Shri B.S.Deokar, learned Presenting Officer for the respondent authorities and Shri M.R.Kulkarni, learned Counsel for respondent no.5, are present.

2. S.O. to 24-01-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

ORIGINAL APPLICATION NO.750/2021
(Subhash Choudhary Vs. State of Maharashtra & Ors.)

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

DATE : 07-12-2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned Counsel for the applicant and Shri D.R.Patil, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 01-02-2023.

VICE CHAIRMAN

YUK ORAL ORDER 07.12.2022

**T.A.NO.2 OF 2012 IN W.P.NO. 9902 OF 2011
(Radha N. Choure Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Shri A.L. Tikle, learned Advocate for the applicant, is **absent**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 06.01.2023 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 768 OF 2019
(Balasaheb T. Deshmukh Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 22.12.2022 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 702 OF 2021
(Vivekanand P. Dhongade Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.S. Khedkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. S.O. to 11.01.2023 for re-hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

**O.A.NO. 358/2018 WITH O.A.NO. 359 OF 2018 WITH
O.A.NO. 360/2018 WITH O.A.NO. 361 OF 2018
(Haseeb Ur Rehman Khan & Ors. Vs. State of Maharashtra
& Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicants in all these O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondents in all these O.As.

2. S.O. to 06.01.2023 for further consideration.

High On Board.

MEMBER (A)

MEMBER (J)

**O.A.NO. 154 OF 2017 WITH O.A.NO. 259 OF 2018
(Naseem Banu Nazir Patel Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant in both the O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in both the O.As.

2. S.O. to 09.01.2023 for final hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 93 OF 2019
(Priyanka J. Janephalkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri J.M. Murkute, learned Advocate for the applicant, is **absent**. Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, is present.

2. S.O. to 19.01.2023 for hearing. **High On Board.**

MEMBER (A)

MEMBER (J)

**ORIGINAL APPLICATION NO. 271 OF 2020
(Siddharth M. Kadam Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. The present matter has already been treated as part heard.
3. S.O. to 11.01.2023.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 694 OF 2018
(Somnath S. Reddy Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the respondent authorities, and Shri Ajay Deshpande, learned Advocate for the respondent Nos.5 & 6. Shri M.S. Sonawane, learned Advocate for the respondent No.4, is **absent**.

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**O.A.NO. 42 OF 2019 WITH O.A.NO. 43 OF 2019
(Ramraje G. Pawar & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicants in both the O.As. and Shri I.S. Thorat, learned Presenting Officer for the respondents in both the O.As.

2. S.O. to 03.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

**O.A.NO. 39/2020 WITH O.A.NO. 477/ 2018 WITH
O.A.NO. 982/2018 WITH O.A.NO. 983/2018
(Anil B. Nikam & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicant in O.A.No.39/2020, Shri V.B. Wagh, learned Advocate for the applicants in O.A.Nos.477, 982 & 983 all of 2018 and Shri S.K. Shirse, learned Presenting Officer for the respondents in all these O.As.

2. S.O. to 17.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 556 OF 2019
(Dr. Shamkant D. Gawande Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities. Shri U.S. Mote, learned Advocate for the respondent No.4., is **absent**.

2. S.O. to 17.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 946 OF 2019
(Dr. Subhash P. Pawar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities.

Shri V.R. Sonwalkar, learned Advocate for the respondent Nos.4 & 5 has filed a **leave note**.

2. S.O. to 12.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 1094 OF 2019
(Tushar C. Musale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 84 OF 2020
(Chunilal M. Yawalkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 157 OF 2020
(Rohidas T. Shinde Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 312 OF 2020
(Amol D. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri D.R. Irale Patil, learned Advocate for the applicant, is **absent**. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. S.O. to 19.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**O.A.NO.212 OF 2021 WITH O.A.NO. 213 OF 2021
(Dr. Rahul P. Waghmare & Anr. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicants in both the O.As. and Shri D.R. Patil, learned Presenting Officer for the respondents in both the O.As.

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 62 OF 2022
(Sanjay N. Hange Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 17.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 195 OF 2022
(Yohan S. Sarode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. S.O. to 19.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 196 OF 2022
(Alka T. Pagare Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 11.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

**M.A.NO.600 OF 2019 IN O.A.NO. 992 OF 2019
(Dasrao T. Deshpande Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate holding for Shri Anant Devakate, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 06.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

**M.A.NO. 118 OF 2021 IN O.A.ST.NO.395 OF 2021
(Mira B. Avhad Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri P.G. Tambade, learned Advocate holding for Shri S.S. Jadhavar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondents.

2. S.O. to 06.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

**M.A.NO. 165 OF 2021 IN O.A.NO. 36 OF 2013
(Anil B. Tirthkar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Heard Shri Shritej Surve, learned Advocate holding for Shri Hemant Surve, learned Advocate for the applicant and Smt. M.S. Patni, learned Presenting Officer for the respondents.

2. S.O. to 13.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

**M.A.NO. 12 OF 2022 IN O.A.ST.NO.1746 OF 2021
(Keshawrao W. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 06.01.2023 for hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO.178 OF 2016
(Deorao R. Jondhale Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri V.S. Panpatte, learned Advocate for the applicant, is **absent**. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.

2. S.O. to 13.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 233 OF 2016
(Pankaj W. Pangul Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri S.K. Mathpati, learned Advocate for the applicant, is **absent**. Shri V.R. Bhumkar, learned Presenting Officer for the respondents, is present.

2. S.O. to 13.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 326 OF 2016
(Changdeo G. Sawant Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 06.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 482 OF 2016
(Harshal V. Patil Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 11.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 79 OF 2017
(MD Kamran MD Abrar Shaikh Vs. State of Maharashtra &
Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 11.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

**T.A.NO. 5/2018 (W.P.NO. 9261/2018) WITH
T.A.NO. 6/2018 (W.P.NO. 9314/2018)
(Pravin C. Janjal & Ors. Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Shri Nitin S. Kadarale, learned Advocate for the applicant in T.A.No.5/2018 and Shri Abhay R. Rathod, learned Advocate for the applicants in T.A.No. 6/2018, are **absent**. Shri S.K. Shirse, learned Presenting Officer for the respondents in both the matters, is present.

2. S.O. to 19.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 57 OF 2018
(Uttam T. Dabhade & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Shri S.D. Dhongde, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. S.O. to 13.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

SAS ORAL ORDERS 07.12.2022

ORIGINAL APPLICATION NO. 383 OF 2018
(Meraj Begum Syeed Abdul Khalak Vs. State of
Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 09.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 568 OF 2018
(Sonyabapu G. Bachkar Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri P.S. Dighe, learned Advocate for the applicant, Shri Parag Bhosale, learned Advocate for the respondent No.4 and Shri Santosh Patil, learned Advocate for the respondent Nos.5 & 6, are **absent**. Shri N.U. Yadav, learned Presenting Officer for the respondents, is present.

2. S.O. to 19.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 732 OF 2018
(Akhtarkhan S. Pathan & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Heard Smt. Suchita A. Dhongde, learned Advocate for the applicants and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. S.O. to 06.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 374 OF 2019
(Dr. Mohammad Sharif Bismilla Khan Pathan Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

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

2. S.O. to 06.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

ORIGINAL APPLICATION NO. 951 OF 2019
(Shankar V. Bansode Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Shri V.D. Dongre, Member (J)
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri D.R. Irale Patil learned Advocate for the applicant and Shri B.S. Deshmukh, learned Advocate for the respondent No.4, are **absent**. Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 19.01.2023 for final hearing.

MEMBER (A)

MEMBER (J)

R.A.NO. 2 OF 2021 IN O.A.NO. 654 OF 2018
(Somnath B. Bagul & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 10.01.2023.

MEMBER (A)
SAS ORAL ORDERS 07.12.2022

VICE CHAIRMAN

R.A.NO. 3 OF 2021 IN O.A.NO. 653 OF 2018
(Gorakshanath N. Londhe & Ors. Vs. State of Maharashtra
& Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri S.D. Dhongde, learned Counsel for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents, are present.

2. S.O. to 10.01.2023.

MEMBER (A)
SAS ORAL ORDERS 07.12.2022

VICE CHAIRMAN

R.A.NO. 1 OF 2022 IN O.A.NO. 384 OF 2019
(Vinayak B. Kapse & Ors. Vs. State of Maharashtra & Ors.)

CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
and
Hon'ble Shri Bijay Kumar, Member (A)

DATE : 07.12.2022

ORAL ORDER :

Shri M.B. Kolpe, learned Counsel for the applicants and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, are present.

2. S.O. to 10.01.2023.

MEMBER (A)

VICE CHAIRMAN

**R.A.NO. 4 OF 2022 IN O.A.NO. 108 OF 2019
(Krishna R. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM : Hon'ble Justice Shri P.R. Bora,
Vice Chairman
and
Hon'ble Shri Bijay Kumar, Member (A)**

DATE : 07.12.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned Counsel for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents, are present.

2. S.O. to 10.01.2023.

MEMBER (A)
SAS ORAL ORDERS 07.12.2022

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 921 OF 2016
(Sanjay T. Mali Vs. State of Maharashtra & Ors.)

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

DATE : 07.12.2022

ORAL ORDER :

Heard Shri A.D. Sugdare, 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. S.O. to 18.01.2023.

MEMBER (J)

**M.A.NO. 392/2022 IN O.A.ST.NO. 78/2022
(Ashru M. Kaldate Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri Kakasaheb B. Jadhav, learned counsel holding for Shri V.M. Humbe, learned counsel for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 2.2.2023.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**ORIGINAL APPLICATION NO. 400 OF 2022
(Rohit Ganesh Ubale Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri Vijay C. Suradkar, learned counsel for the applicant (**absent**). Shri D.R. Patil, learned Presenting Officer for the respondent authorities, is present.

2. In the present matter on the previous date i.e. on 16.11.2022 the following order was passed: -

“Shri Vijay C. Suradkar, learned counsel for the applicant is absent. Shri I.S. Thorat, learned Presenting Officer for the respondent authorities is present.

2. None appears for the applicant. Record shows that on previous occasion also none caused appearance for the applicant.

3. List the matter on 07.12.2022. If the matter is not proceeded further on the given date, necessary orders would follow.”

3. As mentioned in the said order the record reveals that the matter is not attended either by the applicant or his counsel and on most of the previous

:: - 2 - ::

O.A. NO. 400/2022

dates absence of the applicant and his counsel is recorded. Today also no one is present. Learned counsel Shri Kakasaheb B. Jadhav submitted that the learned counsel appearing for the applicant Shri Vijay C. Suradkar has requested him to mention the matter for adjournment. However, in view of the order passed on the previous date, the request is rejected and the following order is passed: -

ORDER

The Original Application is dismissed for want of prosecution. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**O.A.NOS. 892, 893, 895, 869 & 894 ALL OF 2022
(Balaji V. Potdar & Ors. Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

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

2. Learned counsel for the applicants submits that the rejoinder affidavit will be filed during the course of the day to the affidavit in reply filed on behalf of the respondents. If rejoinder is so filed, it be taken on record. The learned counsel shall serve the copy of the rejoinder affidavit on the learned Chief Presenting Officer.

3. Learned Chief Presenting Officer is directed to make available the record of the meeting of the Police Establishment Board pertaining to transfer impugned in the present matters for perusal of the Tribunal.

4. S.O. to 13.12.2022.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 848 OF 2022
(Vilas Y. Thombre Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

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

2. At the request of learned counsel for the applicant, S.O. to 13.12.2022.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**ORIGINAL APPLICATION NO. 979 OF 2022
(Chagan Y. Gaikwad Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri Yogesh P. Deshmukh, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. This is motion for speaking to minutes in the order passed in the present O.A. on 10.11.2022.

3. In the order clause No. 6 the date which has been mentioned as '7.7.2022' shall be substituted with date '11.7.2022'. Corrected copy be supplied to all concerned.

4. Motion is disposed of. There shall be no order as to costs.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**M.A.NO. 588/2019 IN O.A.ST.NO. 2292/2019
(Vyankat Lalba Nilawar Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri Vikram Sarse, learned counsel holding for Shri Vikram S. Kadam, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned counsel for the applicant, S.O. to 8.12.2022.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**M.A.ST.NO. 1592/2022 IN O.A.ST.NO. 1593/2022
(Ashok M. Shinde & Anr. Vs. State of Maharashtra
& Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri S.N. Suryawanshi, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

**ORIGINAL APPLICATION ST.NO. 1593 OF 2022
(Ashok M. Shinde & Anr. Vs. State of Maharashtra
& Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri S.N. Suryawanshi, learned counsel for the applicants and Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicants seeks leave of this Tribunal to place on record the communication dated 4.6.2021, which is impugned in the present O.A. Leave granted. The communication be taken on record.

3. Office of this Tribunal has raised objection as about the limitation.

4. Subject to issue of limitation, issue notices to the respondents, returnable on 2.2.2023.

5. 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. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 2.2.2023.

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

VICE CHAIRMAN

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

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri V.B. Wagh, learned counsel for the applicant and Shri S.K. Shirse, learned Presenting Officer for the respondent authorities.

2. Issue notices to the respondents, returnable on 2.2.2023.

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

4. 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.

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 2.2.2023.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1066 OF 2022
(Govind B. Rathod Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri P.S. Dighe, learned counsel for the applicant (**absent**). Shri N.U. Yadav, learned Presenting Officer for the respondent authorities, is present.

2. S.O. to 2.2.2023.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**ORIGINAL APPLICATION NO. 1079 OF 2022
(Vaishali N. Patil Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

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

2. Issue notices to the respondents, returnable on 15.12.2022.

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. Since the present matter pertains to the order of suspension, the respondents shall file affidavit in reply on or before the next date.

8. S.O. to 15.12.2022.

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

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 1086 OF 2022
(Monali D. Dhondphale Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

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

2. It is the grievance of the applicant that she has been permitted to take inter-district transfer and accordingly transferred from Nanded district to Washim district. However, Superintendent of Police, Nanded has not yet relieved her, so as to join on the transferred place. The applicant apprehends that since considerable long period has lapsed the Superintendent of Police, Washim may cancel the consent given for such inter-district transfer. Learned counsel, in the circumstances, has sought interim relief in terms of prayer clause (A).

3. After having gone through the document placed on record, I am convinced that *prima facie* case is made out for granting interim relief as has

been prayed for by the applicant. Hence, the following order is passed: -

ORDER

(i) Issue notices to the respondents, returnable on 20.12.2022.

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

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

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

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

(vi) Interim relief in terms of prayer clause (A) is granted, which reads herein below.

“A] Pending hearing and final disposal of the present original application, the respondent No. 3 Superintendent of Police, Washim may kindly be directed to not to cancel the approval accorded to the inter district transfer of the present applicant.”

(vii) S.O. to 20.12.2022.

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O.A. NO. 1086/2022

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

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**ORIGINAL APPLICATION NO. 09 OF 2022
(Dr. Prithviraj K. Chavan Vs. State of
Maharashtra & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Shri Shamsunder B. Patil, learned counsel for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent authorities, are present.

2. At the request of learned Presenting Officer appearing for the respondents, S.O. to 21.12.2022.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**C.P.NO. 9/2021 IN O.A.NO. 70/2018
(Dadabhau T. Parte Vs. State of Maha. & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

Ms. Preeti R. Wankhade, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondent authorities, are present.

2. S.O. to 9.1.2023.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

CHAMBER APPEAL NO. 23 OF 2022
(Bhavesh Sunil Marathe V/s. State of Maharashtra & Ors.)

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

DATE : 7.12.2022

ORAL ORDER :

Heard Shri N.R. Suryawanshi, learned counsel for the applicant.

2. Vide order dated 17.10.2022 the Registrar of this Tribunal was pleased to refuse the registration of O.A St. No. 1510/2022 under Rule 5 (4) of Maharashtra Administrative Tribunal (Procedural) Rules, 1988. On 12.09.2022 the office has raised the following office objection:-

1) In view of rejection letter of respondent dated 11.9.2019, O.A. appears to be barred by limitation.

3. Vide office note dated 11.10.2022 Registrar of this Tribunal at Aurangabad Bench noted that nobody appeared for the applicant and office objection not removed.

4. The applicant has made prayer for condonation of delay of about 10 days caused in filing Chamber Appeal No. 23/2022.

:: - 2 - :: CHAMBER APPEAL NO. 23 OF 2022

5. The learned Advocate for the applicant appeared today. He undertakes to remove the office objection within a reasonable period.

6. Technically, the Registrar was right in refusing the registration of O.A. St. No. 1510/2022. The fact that the O.A. is filed for seeking compassionate appointment and in order to give an opportunity to the applicant to prove his claim on merits, it will be in the interest of justice to allow the appeal by condoning delay of about 10 days caused in filing this Chamber Appeal as the applicant shall not suffer for the negligence of his Advocate. Hence, the following order:-

ORDER

(i) Delay caused in filing Chamber Appeal stands condoned. Consequently, the Chamber Appeal No. 23/2022 is allowed as the applicant undertakes to remove the office objection within a reasonable period.

(ii) Registrar of this Tribunal Bench at Aurangabad is directed to register the O.A. after removing the office objection by the learned Advocate for the applicant and place the same before the appropriate bench for hearing.

VICE CHAIRMAN

**M.A.NO. 209/2021 IN O.A.NO. 580/2017
(Subhmangal Shimon Bhakt Vs. State of Maha. &
Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

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

2. The learned counsel for the applicant submits that the applicant is not intending to file any rejoinder affidavit. List the matter for hearing on 2.2.2023.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD

**ORIGINAL APPLICATION NO. 984 OF 2019
(Dr. Prithviraj K. Chavan Vs. State of
Maharashtra & Ors.)**

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

DATE : 7.12.2022

ORAL ORDER :

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

2. The present applicant had applied for voluntary retirement. However, the request so made was turned down by the respondents. The applicant was, therefore, required to approach this Tribunal by filing O.A. No. 703/2018. This Tribunal has decided the aforesaid O.A. on 3.6.2019. The Tribunal has held the applicant deemed to have retired voluntarily w.e.f. 31.7.2018. The communication dated 11.10.2018, which was challenged in the said O.A. has also been set aside by this Tribunal. In view of the order passed by this Tribunal as aforesaid the respondents ought to have prepared the pension papers and should have ensured that without any delay pension and

pensionary benefits are made available to the applicant. Since the said obligation has not been discharged by the respondents, the applicant has preferred the present O.A. seeking the relief as noted hereinabove.

3. The respondents in their affidavit in reply have not disputed the factual matrix. In the affidavit in reply the respondents have explained that the proposal for pension payable to the applicant has been forwarded to A.G. office, Nagpur. It is further contended that the amount of GIS, GPF and Leave Encashment have already paid to the applicant. The pensionary benefits are also sanctioned and the proposal for regular pension has been forwarded.

4. Learned P.O. in the circumstances has prayed for disposal of the present O.A. having regard to the averments in the affidavit in reply filed on behalf of the respondents.

5. Learned counsel appearing for the applicant has disputed the contentions raised on behalf of the respondents. He submitted that amount of Leave Encashment has not yet been paid to the applicant.

It is the grievance of the applicant that vide order passed in O.A. No. 703/2018 the applicant was deemed to have retired voluntarily, the respondents were under obligation to forward the proposal finalizing the regular pension of the present applicant to the office of A.G. Nagpur. Though the order in O.A. No. 703/2018 has been passed on 3.6.2019 till today it appears that no effective steps are taken. In view of the submission made in the affidavit in reply filed on behalf of the respondents and having regard to the objection raised by the learned counsel for the applicant as about the correctness of the statement so made insofar as payment of Leave Encashment is concerned, without going into the merit of the other aspects of the matter, the O.A. can be disposed of by giving certain directions to the respondents.

6. In view of the order passed by this Tribunal in O.A. No. 703/2018 on 3.6.2019 the respondents were under obligation to process the pension papers pertaining to the applicant and must have determined the payable amount of the pension, as well as, other retiral benefits within the reasonable

period from the said date, in any case the respondents must have complete the said exercise within next 12 weeks from passing of the order in O.A. No. 703/2018. Admittedly, that has not been done.

7. The respondents are, therefore, directed to complete the exercise within 8 weeks from the date of this order and remit the payable amount in favour of the applicant. Since the delay has occurred in complying order passed in O.A. No. 703/2018 the request of the applicant for grant of interest also deserves to be considered. Applicant is held entitled for the interest @ 6% p.a. on the payable amounts, from 1.10.2019 till its realization.

8. One more O.A. bearing No. 9/2022 has been filed by the present applicant, which is also on today's board. In the said matter the issue of pay fixation is involved. In the circumstances, it is directed that the applicant shall furnish an undertaking to the effect that if O.A. No. 9/2022 is decided against him and if it is noticed that because of wrong fixation of pay he has been paid excess

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O.A. NO. 984/2019

amount, he shall refund the said amount within 4 weeks from the date of order of the said O.A.

9. The O.A. stands disposed of in the aforesaid terms without any order as to the costs.

VICE CHAIRMAN

ORAL ORDER 7.12.2022-HDD